



# OAKLAND POLICE COMMISSION SPECIAL MEETING AGENDA

April 14, 2022  
5:30 PM

The purpose of the Oakland Police Commission is to oversee the Oakland Police Department to ensure its policies, practices, and customs conform to national standards of constitutional policing, and to oversee the Office of the Inspector General, led by the civilian Office of Inspector General for the Department, as well as the Community Police Review Agency (CPRA), led by the Executive Director of the Agency, which Agency investigates police misconduct and recommends discipline.

**Pursuant to California Government Code Section 54953(e), members of the Police Commission, as well as the Commission's Counsel and Community Police Review Agency staff, will participate via phone/video conference, and no physical teleconference locations are required.**

For the month of April, the City of Oakland is conducting a survey to evaluate the quality of our service. Would you please take a minute to fill out this survey?

屋崙市政府現正進行問卷調查評估服務質素。問卷只需數分鐘完成，請問您可否填寫此問卷？

La Ciudad de Oakland esta llevando a cabo una encuesta para evaluar la calidad de nuestro servicio. ¿Le gustaría ayudarnos completando una encuesta?

**Tell Us What You Think! 需要你寶貴的意見! ;DÍGANOS LO QUE PIENSA!**



Survey link: <https://forms.gle/qbFLzC6TKnstCCrV8>

## PUBLIC PARTICIPATION

The Oakland Police Commission encourages public participation in the online board meetings. The public may observe and/or participate in this meeting in several ways.

### OBSERVE:

- To observe, the public may view the televised video conference by viewing KTOP channel 10 on Xfinity (Comcast) or ATT Channel 99 and locating City of Oakland KTOP – Channel 10
- To observe the meeting by video conference, please click on this link: <https://us02web.zoom.us/j/85658754005> at the noticed meeting time. Instructions on how to join a meeting by video conference are available at: <https://support.zoom.us/hc/en-us/articles/201362193>, which is a webpage entitled “Joining a Meeting”
- To listen to the meeting by phone, please call the numbers below at the noticed meeting time: Dial (for higher quality, dial a number based on your current location):

+1 669 900 9128 or +1 346 248 7799 or +1 253 215 8782 or +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592  
Webinar ID: 856 5875 4005

After calling any of these phone numbers, if you are asked for a participant ID or code, press #. Instructions on how to join a meeting by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663>, which is a webpage entitled “Joining a Meeting By Phone.”

**PROVIDE PUBLIC COMMENT:** There are three ways to make public comment within the time allotted for public comment on an eligible Agenda item.

- Comment in advance. To send your comment directly to the Commission and staff BEFORE the meeting starts, please send your comment, along with your full name and agenda item number you are commenting on, to [radwan@oaklandca.gov](mailto:radwan@oaklandca.gov). Please note that e-Comment **submissions close at 4:30 pm**. All submitted public comment will be provided to the Commissioners prior to the meeting.
- By Video Conference. To comment by Zoom video conference, click the “Raise Your Hand” button to request to speak when Public Comment is being taken on an eligible agenda item at the beginning of the meeting. You will then be unmuted, during your turn, and allowed to participate in public comment. After the allotted time, you will then be re-muted. Instructions on how to “Raise Your Hand” are available at: <https://support.zoom.us/hc/en-us/articles/205566129>, which is a webpage entitled “Raise Hand In Webinar.”
- By Phone. To comment by phone, please call on one of the above listed phone numbers. You will be prompted to “Raise Your Hand” by pressing STAR-NINE (“\*9”) to request to speak when Public Comment is being taken on an eligible agenda item at the beginning of the meeting. Once it is your turn, you will be unmuted and allowed to make your comment. After the allotted time, you will be re-muted. Instructions of how to raise your hand by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663>, which is a webpage entitled “Joining a Meeting by Phone.”

If you have any questions about these protocols, please e-mail [radwan@oaklandca.gov](mailto:radwan@oaklandca.gov).



# OAKLAND POLICE COMMISSION

## SPECIAL MEETING AGENDA

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### I. Call to Order, Welcome, Roll Call and Determination of Quorum

Chair Tyfahra Milele

*Roll Call: Chair Tyfahra Milele; Vice Chair Marsha Peterson; Commissioner Henry Gage, III; Commissioner Brenda Harbin-Forte; Commissioner Rudolph Howell; Commissioner Regina Jackson, Commissioner David Jordan; Alternate Commissioner Jesse Hsieh*

### II. Adoption of Renewal Resolution Electing to Continue Conducting Meetings Using Teleconferencing in Accordance with California Government Code Section 54953(E), a Provision of AB-361. The Commission will re-adopt findings to permit it to continue meeting via teleconference under the newly amended provisions of the Brown Act. ***This is a recurring item (Attachment 2).***

- a. Discussion
- b. Public Comment
- c. Action, if any

### III. Closed Session item

The Police Commission will take Public Comment on the Closed Session items.

**THE OAKLAND POLICE COMMISSION WILL ADJOURN TO CLOSED SESSION AND WILL REPORT ON ANY FINAL DECISIONS DURING THE POLICE COMMISSION'S OPEN SESSION MEETING AGENDA.**

PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
(California Government Code Section 54957(b))  
Title: Inspector General

PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
(California Government Code Section 54957(b))  
Title: Interim Executive Director, Community Police Review Agency

### IV. Call to Order and Re-Determination of Quorum

Chair Tyfahra Milele

Roll Call: Chair Tyfahra Milele; Vice Chair Marsha Peterson; Commissioner Henry Gage, III; Commissioner Brenda Harbin-Forte; Commissioner Rudolph Howell; Commissioner Regina Jackson, Commissioner David Jordan; Alternate Commissioner Jesse Hsieh

## **MODIFICATIONS TO THE CONSENT CALENDAR**

**(Chair to Hear Any Requests to Reschedule Items from Consent to Non-Consent)**

### **V. Consent Calendar**

V. (a) **Approve Minutes From January 13, 2022 Meeting**

V. (b) **Cancel Thursday April 28, 2022 Meeting**

V. (c) **Final approval of Annual Report revisions from March 10, 2022 Regular Meeting**  
**(Attachments: [Attachment 5a](#), [Attachment 5c](#))**

### **VI. Open Forum Part 1 (2 minutes per speaker, 15 minutes total)**

Members of the public wishing to address the Commission on matters that are not on tonight's agenda but are related to the Commission's work should raise their hands and they will be called on in the order their hands were raised. Comments regarding agenda items should be held until the agenda item is called for discussion. Speakers not able to address the Commission during this Open Forum will be given priority to speak during Open Forum Part 2, at the end of the agenda.

### **VII. Update from Police Chief**

OPD Chief Armstrong will provide an update on the Department. Topics discussed in the update may include crime statistics; an update on the Negotiated Settlement Agreement and the latest report; a preview of topics which may be placed on a future agenda; responses to community member questions sent in advance to the Police Commission Chair; and specific topics requested in advance by Commissioners. ***This is a recurring item.*** ([Attachment 7](#)).

- a. Discussion
- b. Public Comment
- c. Action, if any

### **VIII. Update from the Inspector General's Office**

Inspector General Michelle Phillips will report on the OIG's work. ***This is a recurring item.*** ([Attachment 8](#)).

- a. Discussion
- b. Public Comment
- c. Action, if any

### **IX. Consider Approval of Revised Policy for Electronic Communication Devices (DGO R-01)**

The Commission will review and consider whether to modify and/or approve the Police Department's Risk Management policy. (DGO R-01). ***This is a new item.*** ([Attachment 9](#)).

- a. Discussion
- b. Public Comment
- c. Action, if any

**X. Selection of Alternate Commissioner to Fill Vacancy**

To fill the vacancy arising from a Commissioner’s resignation, whose letter is available in the agenda packet, the Commission will discuss and consider a vote to select an Alternate Commissioner as a new Commissioner, per Oakland City Charter Section 604(c)(8).

***This is a new item.***

- a. Discussion
- b. Public Comment
- c. Action, if any

**XI. Committee Reports**

Representatives from Standing and Ad Hoc Committees will provide updates on their work. ***This is a recurring item.*** ([Attachment 11](#)).

**Community Policing**

**(Commissioners Harbin-Forte, Howell, Hsieh)**

The Anti-Discrimination Policy Ad Hoc Committee was established to bring to the Commission for adoption a revised internal Oakland Police Department (OPD) Anti-Discrimination and Harassment Policy (DGO D-20) that will contain guidelines and expectations for recruitment, hiring, promotion, termination, discipline, layoff, recall, transfer, leaves of absence, classification of positions, training, compensation and benefits, and related matters.

- a. Discussion
- b. Public Comment
- c. Action, if any

**XII. Open Forum Part 2 (2 minutes per speaker)**

Members of the public wishing to address the Commission on matters that were not on tonight’s agenda but are related to the Commission’s work should raise their hands and they will be called on in the order their hands were raised. ***Persons who spoke during Open Forum Part 1 will not be called upon to speak again without prior approval of the Commission’s Chairperson.***

**XIII. Upcoming/Future Agenda Items**

The Commission will engage in a working session to discuss and determine agenda items for the upcoming Commission meeting and to agree on a list of agenda items to be discussed on future agendas. ***This is a recurring item.*** ([Attachment 13](#)).

- a. Discussion
- b. Public Comment
- c. Action, if any

**XIV. Adjournment**

**NOTICE:** In compliance with the Americans with Disabilities Act, for those requiring special assistance to access the videoconference meeting, to access written documents being discussed at the Discipline Committee meeting, or to otherwise participate at Commission meetings, please contact the Police Commission's Chief of Staff, Rania Adwan, at [radwan@oaklandca.gov](mailto:radwan@oaklandca.gov) for assistance. Notification at least 48 hours before the meeting will enable the Police Commission to make reasonable arrangements to ensure accessibility to the meeting and to provide any required accommodations, auxiliary aids or services.

# OAKLAND POLICE COMMISSION

## RESOLUTION NO. 22-07

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**ADOPT A RESOLUTION DETERMINING THAT CONDUCTING IN-PERSON MEETINGS OF THE OAKLAND POLICE COMMISSION AND ITS COMMITTEES WOULD PRESENT IMMINENT RISKS TO ATTENDEES' HEALTH, AND ELECTING TO CONTINUE CONDUCTING MEETINGS USING TELECONFERENCING IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 54953(e), A PROVISION OF AB-361.**

**WHEREAS**, on March 4, 2020, Governor Gavin Newsom declared a state of emergency related to COVID-19, pursuant to Government Code Section 8625, and such declaration has not been lifted or rescinded. See <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.4.20-Coronavirus-SOE-Proclamation.pdf>; and

**WHEREAS**, on March 9, 2020, the City Administrator in their capacity as the Director of the Emergency Operations Center (EOC), issued a proclamation of local emergency due to the spread of COVID-19 in Oakland, and on March 12, 2020, the City Council passed Resolution No. 88075 C.M.S. ratifying the proclamation of local emergency pursuant to Oakland Municipal Code (O.M.C.) section 8.50.050(C); and

**WHEREAS**, City Council Resolution No. 88075 remains in full force and effect to date; and

**WHEREAS**, the Centers for Disease Control (CDC) recommends physical distancing of at least six (6) feet whenever possible, avoiding crowds, and avoiding spaces that do not offer fresh air from the outdoors, particularly for people who are not fully vaccinated or who are at higher risk of getting very sick from COVID-19. See <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>; and

**WHEREAS**, the CDC recommends that people who live with unvaccinated people avoid activities that make physical distancing hard. See <https://www.cdc.gov/coronavirus/2019-ncov/your-health/about-covid-19/caring-for-children/families.html>; and

**WHEREAS**, the CDC recommends that older adults limit in-person interactions as much as possible, particularly when indoors. See <https://www.cdc.gov/aging/covid19/covid19-older-adults.html>; and

**WHEREAS**, the CDC, the California Department of Public Health, and the Alameda County Public Health Department all recommend that people experiencing COVID-19

symptoms stay home. See <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html>; and

**WHEREAS**, persons without symptoms may be able to spread the COVID-19 virus. See <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>; and

**WHEREAS**, fully vaccinated persons who become infected with the COVID-19 Delta variant can spread the virus to others. See <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html>; and

**WHEREAS**, the City's public-meeting facilities are indoor facilities that do not ensure circulation of fresh / outdoor air, particularly during periods of cold and/or rainy weather, and were not designed to ensure that attendees can remain six (6) feet apart; and

**WHEREAS**, holding in-person meetings would encourage community members to come to City facilities to participate in local government, and some of them would be at high risk of getting very sick from COVID-19 and/or would live with someone who is at high risk; and

**WHEREAS**, in-person meetings would tempt community members who are experiencing COVID-19 symptoms to leave their homes in order to come to City facilities and participate in local government; and

**WHEREAS**, attendees would use ride-share services and/or public transit to travel to in-person meetings, thereby putting them in close and prolonged contact with additional people outside of their households; and

**WHEREAS**, on October 14, 2021 the Oakland Police Commission adopted a resolution determining that conducting in-person meetings would present imminent risks to attendees' health, and electing to continue conducting meetings using teleconferencing in accordance with California Government Code Section 54953(e), a provision of AB-361; now therefore be it:

**RESOLVED:** that the Oakland Police Commission finds and determines that the foregoing recitals are true and correct and hereby adopts and incorporates them into this resolution; and be it

**FURTHER RESOLVED:** that, based on these determinations and consistent with federal, state and local health guidance, the Oakland Police Commission renews its determination that conducting in-person meetings would pose imminent risks to the health of attendees; and be it

**FURTHER RESOLVED:** that the Oakland Police Commission firmly believes that the community's health and safety and the community's right to participate in local government, are both critically important, and is committed to balancing the two by continuing to use teleconferencing to conduct public meetings, in accordance with California Government Code Section 54953(e), a provision of AB-361; and be it



**FURTHER RESOLVED:** that the Oakland Police Commission will renew these (or similar) findings at least every thirty (30) days in accordance with California Government Code section 54953(e) until the state of emergency related to COVID-19 has been lifted, or the Oakland Police Commission finds that in-person meetings no longer pose imminent risks to the health of attendees, whichever occurs first.

ON APRIL 14, 2022, AT A MEETING OF THE OAKLAND POLICE COMMISSION IN OAKLAND, CALIFORNIA

**PASSED BY THE FOLLOWING VOTE:**

AYES –

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_  
                  RANIA ADWAN  
                  Chief of Staff  
                  Oakland Police Commission  
                  City of Oakland, California



# OAKLAND POLICE COMMISSION

## SPECIAL MEETING MINUTES

January 13, 2022. 5:30 PM

I. **Call to Order, Welcome, Roll Call and Determination of Quorum**

In attendance: Chair Regina Jackson; Vice Chair Tyfahra Milele; Commissioner Henry Gage, III; Commissioner Brenda Harbin-Forte; Commissioner Rudolph Howell; Commissioner David Jordan; Commissioner Marsha Peterson; Alternate Commissioner Jesse Hsieh

II. **Adoption of Renewal Resolution Electing to Continue Conducting Meetings Using Teleconferencing in Accordance with California Government Code Section 54953(E), a Provision of AB-361.**

Vice Chair Milele made the motion to approve the renewal resolution, Comm. Peterson seconded.

Ayes: Gage, Harbin-Forte, Jackson, Howell, Jordan, Peterson

Nays: None

Abstentions: None

*(Note: Vice Chair Milele's vote was not recorded)*

*Public Comment provided by the following speakers:*

Saleem Bey

III. **Closed Session Item**

Chair Jackson noted no reportable items from closed session.

*Public Comment provided by the following speakers:*

Saleem Bey

Assata Olugbala

IV. **Open Forum Part 1**

*Public Comment provided by the following speakers:*

Saleem Bey

Nino Parker

John Bey

V. **Welcome the New Inspector General**

The Commission introduced and welcomed Michelle Phillips, the new Inspector General.

*Public Comment provided by the following speakers:*

Saleem Bey

John Bey



# OAKLAND POLICE COMMISSION

## SPECIAL MEETING MINUTES

January 13, 2022. 5:30 PM

Nino Parker  
Rashidah Grinage  
Oscar Yassin  
Anne Janks

VI. **Update from Police Chief**

Chief Armstrong provided a regular update on the Department's latest statistics including recruitment, arrests, resourcing specific units, calls for service data, NSA tasks, policies for review and his meeting with the public defender.

*Public Comment provided by the following speakers:*

Oscar Yassin  
John Bey  
Rashidah Grinage  
Saleem Bey  
Mary Vail  
Assata Olugbala  
Anne Janks

VII. **Negotiated Settlement Agreement Case Management Conference Report Out**

Chair Jackson noted her work with Commission Counsel, Conor Kennedy, to compose and send a letter to the Federal Monitor requesting clear, predictable, and consistent metrics for the Department to follow, adding the Commission's role and goal is to eliminate the need for the NSA by holding the Department accountable.

*Public Comment provided by the following speakers:*

Assata Olugbala  
John Bey  
Saleem Bey

VIII. **Consider Approval of Revised Policy for Missing & Abducted Person's Policy (DGO O-6)**

On motion by Commissioner Harbin-Forte, seconded by Vice Chair Milele, the Commission adopted the draft policy

Ayes: Gage, Harbin-Forte, Howell, Jordan, Peterson, Jackson  
Nays: None  
Abstentions: None  
*(Note: Vice Chair Milele's vote was not recorded)*



# OAKLAND POLICE COMMISSION

## SPECIAL MEETING MINUTES

January 13, 2022. 5:30 PM

*Public Comment provided by the following speakers:*

Assata Olugbala  
Mary Vail  
Saleem Bey  
Anne Janks

IX. **Review of Commission Budget & Resourcing.**

On motion by Vice Chair Milele, seconded by Chair Jackson, the Commission voted to seek two additional staff positions, a Project Manager and an Administrative Assistant, in the next budget cycle.

Ayes: Gage, Harbin-Forte, Howell, Jordan, Peterson, Jackson  
Nays: None  
Abstentions: None  
*(Note: Vice Chair Milele's vote was not recorded)*

*Public Comment provided by the following speakers:*

Assata Olugbala  
Saleem Bey

On motion by Vice Chair Milele, seconded by Chair Jackson, the Commission voted not to create a new standing committee for militarized equipment.

Ayes: Milele, Gage, Harbin-Forte, Howell, Jordan, Peterson, Jackson  
Nays: None  
Abstentions: None

*Public Comment provided by the following speakers:*

Rashidah Grinage  
Saleem Bey

X. **Amend Rules for Ad Hoc Reports**

After discussion, the Chair decided she will ask for a status report from each committee at least once per month and refers the issue to the Rules Committee for review and recommendation as to whether a minimum number of committees should report out at each meeting.

*Public Comment provided by the following speakers:*

Assata Olugbala  
Saleem Bey



# OAKLAND POLICE COMMISSION

## SPECIAL MEETING MINUTES

January 13, 2022. 5:30 PM

### XI. **Committee Reports**

#### **Community Policing Policy revision (15-01) (Commissioners Hsieh, Harbin-Forte, Howell)**

Commissioner Hsieh noted the Ad Hoc reconvened after taking a hiatus for the month of December. He reminded the Commission and the public that the Ad Hoc committee is reviewing the draft policy line by line and welcomed continued public participation.

#### **Chief's Performance Evaluation (Commissioners Milele, Peterson)**

Commissioner Peterson noted the Ad Hoc's progress in meeting and drafting a performance matrix against which the Commission will evaluate the Chief of Police's progress and performance.

#### **Social Media Policy (Commissioners Hsieh, Jackson, Milele)**

Chair Jackson noted the Ad Hoc's first meeting will be scheduled for January 18 and invited the public to share their interest in joining the Committee.

#### **Missing Persons Ad Hoc (Commissioners Jackson, Jordan)**

Chair Jackson recognized the work of the Committee members and dissolved this Ad Hoc, since the policy was successfully adopted by the full Commission.

*Public Comment provided by the following speakers:*

Anne Janks  
Assata Olugbala  
Saleem Bey

### XII. **Open Forum Part 2**

*Public Comment provided by the following speakers:*

Assata Olugbala  
Saleem Bey

### XIII. **Agenda Setting and Prioritization of Upcoming Agenda Items**

Commissioner Gage requested the reintroduction of discussions regarding grooming and appearance of Department members, revisiting the policy reviewed years ago.

Vice Chair Milele requested the Commission review and receive CPRA case matters.

Commissioner Harbin-Forte requested use of the revised cover pages for the rules and code of conduct.

*Public Comment provided by the following speakers:*

Anne Janks  
Assata Olugbala



**OAKLAND POLICE COMMISSION**  
**SPECIAL MEETING MINUTES**  
**January 13, 2022. 5:30 PM**

- XIV. **Adjournment**  
Meeting ended at 9:22pm

DRAFT

# OAKLAND POLICE COMMISSION



**2021**

**Annual Report**

# Executive Summary

The City of Oakland's Police Commission (Commission) is a Charter-created voluntary and civilian-run oversight board composed of seven Commissioners and two non-voting Alternate Commissioners.

The Commission's primary mandate is to oversee the Oakland Police Department, ensuring its policies, practices, and customs conform to national standards of constitutional policing.

On November 3, 2020, Oakland voters overwhelmingly approved Measure S1, amending the City Charter to establish a new Office of Inspector General (OIG) - outside of the OPD - to investigate and review the City's handling of police misconduct-related claims, lawsuits, settlements, complaints, and investigations involving the OPD and CPRA.

Subject to limitations, the measure allows the OIG to request and review OPD and CPRA records, including personnel and investigative records. The OIG will also audit the OPD's compliance with the tasks described in the Negotiated Settlement Agreement (NSA) in Delphine Allen, et al., v. City of Oakland, et al. This audit will address improvements in policing standards, the public's access to the complaint process, reporting and investigations of police misconduct, training and supervision, and identifying at-risk behaviors by police officers.

As well as the OPD, the Commission is also authorized and committed to overseeing the Community Police Review Agency (CPRA), which investigates police misconduct and recommends discipline, as well as the newly established Office of the Inspector General (OIG).



# Legislative History

Charter Section 604 charges the Police Commission with overseeing the OPD and holding the Department accountable to its compliance obligation and its duties to Oakland's communities.

Among its charter mandated responsibilities, is the Commission's authority to approve or reject the Department's proposed changes to all policies, procedures, customs, and General Orders of the Department which govern use of force, use of force review boards, profiling based on any of the protected characteristics identified by federal, state, or local law, or First Amendment assemblies, or which contains elements expressly listed in federal court orders or federal court settlements which pertain to the Department.

Additionally, the Commission is also tasked with supervising the investigative work of the CPRA, and performance audits of the OIG.

Measure S1 allows the Commission to hire its own attorneys independent of the City Attorney's Office and provides CPRA and OIG with a budget to conduct work independently of the City Administrator or any other government agency.

# Police Commission Structure

## Police Commission Leadership

Chair Regina Jackson maintained the leadership role until the February 2022 election cycle. Commissioner Jose Dorado served as elected Vice Chair for most of 2021 (elected February 11, 2021) and was replaced as Vice Chair by Commissioner Tyfahra Milele (elected to the role in October 2021, to replace Comm. Dorado upon the completion of his term and service on the Commission).

## Commission Composition, as of December 31, 2021



**Regina  
Jackson**  
*Chair*

- Appointed by Mayor
- Seat: Mayoral
- Term ends: Oct. 2021



**Tyfahra  
Milele**  
*Vice Chair*

- Appointed by Selection Panel
- Seat: Selection Panel
- Term ends: Oct. 2023



**Rudolph  
Howell**  
*Commissioner*

- Appointed by Mayor
- Seat: Mayoral
- Term ends: Oct. 2022



**Jesse  
Hsieh**  
*Alt  
Commissioner*

- Appointed by Selection Panel
- Seat: Selection Panel
- Term ends: Oct. 2022



**Brenda  
Harbin-Forte**  
*Commissioner*

- Appointed by Mayor
- Seat: Mayoral
- Term ends: Oct. 2022



**David  
Jordan**  
*Commissioner*

- Appointed by Selection Panel
- Seat: Mayoral
- Term ends: Oct. 2023



**Henry  
Gage, III**  
*Commissioner*

- Appointed by Selection Panel
- Seat: Selection Panel
- Term ends: Oct. 2022



**Marsha  
Peterson**  
*Commissioner*

- Appointed by Mayor
- Seat: Selection Panel
- Term ends: Oct. 2023

### Commission Changes in 2021

The Commission received a new mayoral appointee, James Jackson, for a term to end in October 2023, but he resigned before attending his first meeting: The Commission bid farewell to a total of three Commissioners:

Commissioner	Title	Appointing Authority	Seat	Reason Left
James Jackson	Commissioner	Mayor	Mayoral	Resigned 2021
Jose Dorado	Vice Chair	Selection Panel	Selection Panel	Term ended Oct 2021
Sergio Garcia	Commissioner	Selection Panel	Selection Panel	Resigned Nov 2021

The Commission welcomed two new Commissioners

Commissioner	Title	Appointing Authority	Seat	Term Ends
Jesse Hsieh	Alt. Commissioner	Selection Panel	Selection Panel	Oct 2022
Rudolph Howell	Commissioner	Selection Panel	Selection Panel	Oct 2024

And promoted three others

Commissioner	Promoted to	Appointing Authority	Seat	Term Ends
David Jordan	Commissioner – Jan 2021	Selection Panel	Mayoral	Oct 2023
Tyfahra Milele	Vice Chair – Elected Oct. 2021	Selection Panel	Selection Panel	Oct 2023
Marsha Peterson	Commissioner – Nov 2021	Mayor	Selection Panel	Oct 2023

### Staffing and resourcing

As part of the completed restructure of the Police Commission and CPRA offices (per Measure S1), the Commission said thank you and farewell to Ms. Christine Love, the former administrative lead and the Commission's sole resource. In August, the Commission welcomed Ms. Rania Adwan to the newly established position of Chief of Staff.



# Doing The Work

## Committees – Standing and Ad Hoc

The Commission continued in its practice to establish Ad Hoc Committees, composed of a smaller subset of Commissioners – along with subject matter experts and often inclusive of community groups and other members of the public – as a primary method of initiating and completing charter mandated projects.

This year also saw extensive conversations comparing the merit and efficacy of Standing Committees versus ad hoc committees; a continuing discourse, especially in light of its current limited staffing resources and with a view to its anticipated growth and the inclusion of two additional staff positions.



**As of December 2021**

<b>Standing Committees</b>	<b>Commissioners</b>
Community Outreach	Howell, Hsieh, Jordan
Personnel	Jackson

**Ad Hoc Committees**

Annual Report	Jackson, Milele
Anti-discrimination Policy	Milele, Harbin-Forte, Hsieh
Budget	Jackson, Milele
Community Policing OPD 15-01	Harbin-Forte, Howell, Hsieh
CPRA Director Performance Evaluation	Jackson, Milele, Peterson
OBOA Allegations Investigation	Jackson, Harbin-Forte
Police Chief Goals and Evaluation	Jackson, Milele, Peterson
Risk Management Policy	Gage, Howell, Peterson
Racial Profiling Policy	Jackson, Milele
Rules of Procedure	Gage, Harbin-Forte
Social Media policy	Jackson, Milele, Hsieh

## Completed or Paused

Armed & Unresponsive Persons	Jackson, Jordan, Smith
Bey Case Investigation	Harris
CID Review	Jackson, Howell, Hsieh
Dedicated Arrest Team Policy	Jackson, Jordan, Smith
Inspector General Search	Jackson, Milele, Peterson
Militarized Police Equipment	Gage, Jordan
Missing Persons Policy	Jackson, Jordan
Police Chief Search	Jackson, Dorado, Harbin-Forte
White Supremacists and Other Extremist Groups	Jackson, Dorado, Harbin-Forte

## Public Forums

In addition to the Commission meetings on Thursday evenings and the Ad Hoc Committee meetings, the Commission held several public forums related to specific topics and often in support of the working efforts of an Ad Hoc Committee.

The forums provide another platform to showcase and hear from subject matter experts, provide the public and other stakeholders with a digestible synthesis on a specific topic (as was the case with the Missing Person's forum) and allow for even more transparency in how the Commission completes its charter mandated tasks (as was the case of the Inspector General forum).



## Public Forums

**CANDIDATES FORUM FOR OAKLAND'S FIRST INSPECTOR GENERAL**

JOIN OAKLAND POLICE COMMISSION AD HOC COMMITTEE MEMBERS (CHAIR JACKSON, COMMS. MILELE & PETERSON) FOR A FORUM TO VIRTUALLY MEET AND HEAR FROM THE THREE FINALISTS FOR OAKLAND'S INSPECTOR GENERAL.

**OCTOBER 27** WEDNESDAY | 5:00 - 6:30 PST  
 ZOOM ACCESS DETAILS AVAILABLE VIA THE POLICE COMMISSION WEBSITE:  
[WWW.OAKLANDCA.GOV/BOARDS-COMMISSIONS/POLICE-COMMISSION](http://WWW.OAKLANDCA.GOV/BOARDS-COMMISSIONS/POLICE-COMMISSION)

**CANDIDATES FOR THE ROLE OF OAKLAND'S INSPECTOR GENERAL**

**REBECCA JOHNSON**  
Public Safety Officer, Oakland Police Department

**MAC MILLER**  
Community Development Director, Oakland Police Department

**MICHELLE PHILLIPS**  
Public Safety Officer, Oakland Police Department

OAKLAND POLICE COMMISSION

**ON BEHALF OF THE CID AD HOC**  
 POLICE COMMISSION CHAIR JACKSON, COMMS. HOWELL & HSIEH, ALONG WITH REPRESENTATIVES OF THE OAKLAND POLICE DEPARTMENT

**PUBLIC HEARING TO REVIEW & DISCUSS OPD'S DRAFT MANUAL FOR THE DEPARTMENT'S CRIMINAL INVESTIGATION DIVISION; HOMICIDE SECTION (19-01)**

WEDNESDAY DECEMBER 8, 2021 | 6 - 7:30 PM  
 ZOOM ACCESS: [HTTPS://US02WEB.ZOOM.US/J/81095828706](https://us02web.zoom.us/j/81095828706)  
 WEBINAR MEETING ID: 810 9582 8706

To review the materials visit:  
<https://www.oaklandca.gov/topics/cid-ad-hoc>



## COMMUNITY COMMENT OPD ARMORED VEHICLE POLICY

**THE OAKLAND POLICE COMMISSION AD-HOC COMMITTEE ON MILITARIZED EQUIPMENT REQUESTS YOUR INPUT ON THE DEPLOYMENT AND USE OF ARMORED VEHICLES BY THE OAKLAND POLICE DEPARTMENT**

### QUESTIONS

- When should OPD be authorized or prohibited from using an armored vehicle?
- What are the downsides of OPD deployments of an armored vehicle?

THE DRAFT POLICY AND OTHER COMMITTEE DOCUMENTS ARE AVAILABLE ON THE WEBSITE OF THE OAKLAND POLICE COMMISSION:  
<https://www.oaklandca.gov/resources/ad-hoc-committee-on-militarized-equipment>

**WHEN**  
 Monday January 11th, 2021  
 6:00 pm - 8:00 pm  
 Public Comment  
 6:15 pm - 7:15 pm

### HOW TO PARTICIPATE

THE MEETING WILL BE HOSTED ON THE ZOOM WEBINAR PLATFORM PLEASE CLICK THE LINK BELOW TO JOIN THE WEBINAR:  
[HTTPS://US02WEB.ZOOM.US/J/89351447947](https://us02web.zoom.us/j/89351447947)

OR IPHONE ONE-TAP -  
 +16699009128,85460862182# OR  
 +13462487799,89351447947#

OR TELEPHONE:  
 DIAL (FOR HIGHER QUALITY, DIAL A NUMBER BASED ON YOUR CURRENT LOCATION):  
 US: +1669 900 9128 OR +1346 248 7799 OR +1253 215 8782 OR  
 +1646 558 8656 OR +1301 715 8692 OR +1312 626 6799

WEBINAR ID: 893 5144 7947

### OAKLAND POLICE COMMISSION AD-HOC COMMITTEE ON MILITARIZED EQUIPMENT

**Commissioners**  
 Chair Regina Jackson  
 Vice-Chair Henry Gase III  
 Commissioner David Jordan

**Community Representatives**  
 Omar Farmer  
 John Lindsay-Poland  
 Anne Janks

**OPD Representatives**  
 Deputy Chief LeDonne Armstrong  
 OPD Training Division Staff

## PUBLIC HEARING

OAKLAND POLICE DEPT. MISSING PERSONS POLICY

•

COMMUNITY INPUT REQUESTED



The Oakland Police Commission via the Missing Persons Policy Ad Hoc Committee is requesting community input on the revised OPD Missing Persons policy.

The hearing will include a facilitated conversation with a subject expert panel, as well as an opportunity for members of the public to respond to the panel as well as the policy itself.

The commission would specifically like to hear:

- Is the policy clear and effective?
- What has been your lived experience regarding missing persons investigations?
- What elements or resources should be prioritized in these investigations?

The policy and other supporting documents can be found at the link below:  
<https://www.oaklandca.gov/resources/missing-persons-policy-ad-hoc-committee>

**When**  
 Tuesday Nov. 2nd  
 6 pm - 8 pm

**How to Participate**  
 The meeting will be hosted as a Zoom webinar. Link to join:  
<https://us02web.zoom.us/j/85460862182>  
 Webinar ID: 854 6086 2182

Or one tap mobile:  
 US: +16699009128,85460862182# or  
 +12532158782,85460862182#

Or Telephone:  
 Dial (for higher quality, dial a number based on your current location):  
 US: +1 669 900 9128 or +1 253 215 8782  
 or +1 346 248 7799 or +1 312 626 6799  
 or +1 646 558 8656 or +1 301 715 8692

## POLICE COMMISSION MEETINGS

The Police Commission meets on the second and fourth Thursday of each month in the evenings. Representatives from OPD and CPRA appear at most meetings to provide reports on Commission-requested topics and to hear public comment.

These meetings offer a robust open forum, inviting public commentary and input on agendized and non-agendized items. Members of the public are also encouraged and invited to submit their thoughts, concerns, ideas and sentiments via email; acknowledged at the Police Commission meetings as written public comment and posted to the relevant web pages soon after.

The Commission continues to ensure maximum transparency, public awareness and engagement efforts by expeditiously posting the recordings of all its meetings, along with transcripts and minutes whenever possible and as soon as feasible (given limited staff resources).

Due to the ongoing Covid-19 global pandemic, the Police Commission continued to conduct its Special and Regular Thursday evening meetings, along with Standing and Ad Hoc Committee meetings, virtually and via Zoom.



## OPD Presentations at Commission Meetings

Since its inception, the Commission has requested that the Chief of Police provide informational reports on topics of interest to the Commission and as required by the Enabling Ordinance. In 2021, members of the Department presented on various topics including:

- Crime reports and corresponding statistical data
- Policy priorities
- The creation of a Violent Crimes Operations Center within the Bureau of Investigations
- The creation of a Bureau of Risk Management
- OPD use of overtime with City businesses
- Staffing concerns and attrition rates
- Updates regarding its work with the Independent Monitor
- General progress satisfying the terms of the negotiated settlement agreement
- The Department's zero-tolerance of any racist practices, behaviors, or actions, or affiliations or support of white supremacist or extremist organizations, including social media posts or interactions
- Investigation into the misuse of social media platforms by Department members
- Working relationship with Alameda County's Public Defender on the topic of timely mirandizing of youth



## Consideration of OPD Policies and Orders

The Commission reviewed and considered several OPD Policies and Orders including:

- Armed and Unresponsive Persons Policy
  - Commission Ad Hoc members: Jackson, Jordan, Smith
  - The Commission voted on January 7, 2021 to approve a draft of the policy.
- Dedicated Arrest Teams Policy.
  - Commission Ad Hoc members: Jackson, Jordan, Smith.
  - The Commission voted on January 7, 2021 to approve a draft of the policy.
- Military Equipment Training Bulletin.
  - Commission Ad Hoc members: Gage, Garcia, Jordan.
  - The Commission voted on February 11, 2021 to approve a draft of the bulletin.
- Sunsetting the Use of “BearCats” (Armored Vehicles).
  - Commission Ad Hoc members: Gage, Garcia, Jordan.
  - The Commission voted on March 25, 2021 to approve a resolution to phase out and replace the Department’s “BearCat” armored vehicles with nonmilitarized alternatives.
- OPD Internal Affairs Division (IAD) Manual Draft Review.
  - Commission Ad Hoc members: Gage, Jackson, Jordan.
  - The Commission voted on May 27, 2021 to ratify a revised IAD Manual.
- DGO K-03: Use of Force.
  - Commission Ad Hoc members: Anderson, Gage, Harris
  - The Commission voted on October 8, 2021 to ratify the revised policy, completed and approved the prior year.
- Criminal Investigation Division (CID); Homicide Section (19-01)
  - Commission Ad Hoc members: Jackson, Howell, Hsieh
  - The Commission voted on December 16, 2021, to approve and adopt the Department’s revised Policies and Procedures manual for the Department’s Criminal Investigation Division; Homicide Section (19-01).

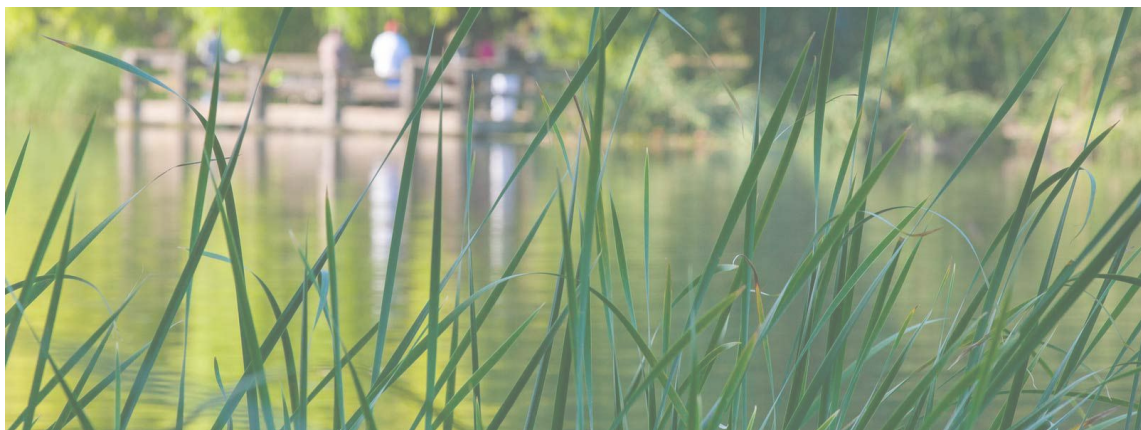
## Special Presentations to the Police Commission

- On March 11, 2021, Human Resources Director Ian Appleyard provided an update on the Police Commission reorganization, the Inspector General position, and other staffing projects underway for the Police Commission and the agencies it supervises and responded to questions from the Commission.
- On March 11 and 25, 2021, former Commissioner Ginale Harris shared an update on the Reimagining Public Safety Task Force.
- On March 25, 2021, Former Commissioner Tara Anderson and Gabriel Garcia of Youth Alive reviewed 2021 bill language currently being considered by the State Legislature.
- On May 13, 2021, Joe DeVries, Director of Interdepartmental Operations, delivered a presentation on Neighborhood Services.
- On May 13, 2021, Ryan Richardson from the Office of the City Attorney (OCA) presented a report which summarizes recent efforts by the OCA to help improve the police discipline system and data on arbitration decisions.
- On October 28, 2021- Ryan Richardson from the Office of the City Attorney (OCA) presented a semi-annual report summarizing recent efforts by the OCA to help improve the police discipline system and data on arbitration decisions.
- On December 7, 2021, a special joint meeting of the City Council, Community Policing Advisory Board, Public Safety Services Oversight Commission, and Oakland Police Commission was held to discuss the City's efforts on public safety and violence reductions.

## **Special Presentations by the Police Commission & Commissioners**

The Commission and individual Commissioners are often invited to attend, participate and speak on behalf of the Commission at certain events. In 2021, Commissioners met with the Selection Committee and attended the three Case Management Conferences presided over by Judge Orrick in connection with his tracking the progress of OPD's reform efforts and compliance with the Negotiated Settlement Agreement in *Delphine Allen, et al., v. City of Oakland, et al.* Chair Jackson also spoke at three Police Academy Graduations and at the Police Promotional Ceremony.

Additionally, Commissioners are regularly invited to partner and participate in Special Concurrent Meetings of the Oakland City Council, Community Policing Advisory Board, and Public Safety Services Oversight Commission.



## TRAINING FOR THE POLICE COMMISSION

Training for Commissioners is ongoing as Commissioners cycle on and off the Commission. The Commission received the following trainings in open session:

- February 25, 2021 CPRA Executive Director John Alden delivered a training on Public Safety Officers' Procedural Bill of Rights, as mandated by City Charter section 604 (c)(9) and Enabling Ordinance section 2.45.190.
- April 22, 2021, Human Resources Director Ian Appleyard delivered a training on Memoranda of Understanding with the Oakland Police Officers Association (OPOA) and represented employees as mandated by City Charter section 604 (c)(9) and Enabling Ordinance section 2.45.190.
- December 16, 2021, Nitasha Sawhney, of Garcia Hernández Sawhney LLP (GHS), Independent Counsel for the Commission, provided Commissioners a refresher training on Robert's Rules of Order.



# OTHER NOTEWORTHY ITEMS

## PERSONNEL

- Submitted four candidates for Chief of Police to Mayor and select LeRonne Armstrong as Oakland's Chief of Police
- Selected a consultant to conduct an investigation of the OBOA allegations.
- Received a report from the law firm of Knox & Ross on the Oakland Police Department's handling of the Bey case
- Hired a Chief of Staff to support the Commission's operations and growth
- Conducted and completed a national search to award the position of Oakland's very first Independent Inspector General to Ms. Michelle Phillips. This work was successfully completed by an Ad Hoc Committee (Commissioners Jackson, Milele, Peterson).

## RESOLUTIONS

- Approved a resolution urging the District Attorney Nancy O'Malley to re-open the Oscar Grant case.
- Approved a resolution calling for parity in the administration of COVID-19 vaccinations for front line public safety workers.
- Approved a resolution regarding the sunseting the use of the BearCat.

## RULES AND PROCEDURES

- Adopted a Code of Conduct for Commissioners.
- Adopted Amended Rules of Procedure for the conduct of the Commission's business.

## PLANNING & FUTURE THINKING

- Conducted a retreat on January 30, 2021 attended by former-Commissioners Anderson and Prather, who presented on various topics.
- Submitted letters of support for California Police Reform legislation.



# ACKNOWLEDGEMENTS

The Oakland Police Commission would like to thank and acknowledge stakeholders and community members for continuing to engage and get involved. In particular, the Commission would like to pay special thanks to Dr. Sarai Crain, Department of Violence Prevention, for her participation and input at the Missing Person's Ad Hoc and Darlene Flynn, Director of Race & Equity for the City of Oakland, for all her time and support on a multitude of the Commission's workstreams, including White Supremacy Ad Hoc, Racial Profiling Ad hoc and the Social media Policy Ad Hoc.

*Report Formatted by*

*Whole Human Selves Consulting + Design*  
Police Commission Special Meeting, April 14, 2022 Pg. 33  
*Contact: wholehumanselves@gmail.com*



# Weekly Crime Report — Citywide

## 28 Mar. – 3 Apr., 2022

<b>Part 1 Crimes</b> <i>All totals include attempts except homicides.</i>	<b>Weekly Total</b>	<b>YTD 2020</b>	<b>YTD 2021</b>	<b>YTD 2022</b>	<b>YTD % Change</b> 2021 vs. 2022	<b>3-Year YTD Average</b>	<b>YTD 2022 vs. 3-Year YTD Average</b>
<b>Violent Crime Index</b> (homicide, aggravated assault, rape, robbery)	99	1,513	1,735	1,442	-17%	1,563	-8%
<b>Homicide – 187(a)PC</b>	1	12	30	28	-7%	23	20%
<b>Homicide – All Other *</b>	-	1	5	2	-60%	3	-25%
<b>Subtotal - 187(a)PC + all other</b>	1	13	35	30	-14%	26	15%
<b>Aggravated Assault</b>	54	716	876	725	-17%	772	-6%
Assault with a firearm – 245(a)(2)PC	9	72	151	119	-21%	114	4%
<b>Subtotal - Homicides + Firearm Assault</b>	10	85	186	149	-20%	140	6%
Shooting occupied home or vehicle – 246PC	5	85	157	86	-45%	109	-21%
Shooting unoccupied home or vehicle – 247(b)PC	1	31	78	47	-40%	52	-10%
Non-firearm aggravated assaults	39	528	490	473	-3%	497	-5%
<b>Rape</b>	3	67	28	33	18%	43	-23%
<b>Robbery</b>	41	718	801	656	-18%	725	-10%
Firearm	20	215	324	307	-5%	282	9%
Knife	2	66	44	16	-64%	42	-62%
Strong-arm	11	345	252	158	-37%	252	-37%
Other dangerous weapon	-	20	23	18	-22%	20	-11%
Residential robbery – 212.5(a)PC	1	23	29	17	-41%	23	-26%
Carjacking – 215(a) PC	7	49	129	140	9%	106	32%
<b>Burglary</b>	28	3,649	1,943	2,472	27%	2,688	-8%
Auto	11	3,039	1,513	1,974	30%	2,175	-9%
Residential	1	374	247	186	-25%	269	-31%
Commercial	8	184	119	216	82%	173	25%
Other (Includes boats, aircraft, and so on)	1	40	47	12	-74%	33	-64%
Unknown	7	12	17	84	394%	38	123%
<b>Motor Vehicle Theft</b>	85	2,018	2,293	2,303	0%	2,205	4%
<b>Larceny</b>	29	1,965	1,370	1,340	-2%	1,558	-14%
<b>Arson</b>	1	39	51	46	-10%	45	1%
<b>Total</b>	242	9,185	7,397	7,605	3%	8,062	-6%

**THIS REPORT IS HIERARCHY BASED. CRIME TOTALS REFLECT ONE OFFENSE (THE MOST SEVERE) PER INCIDENT.**

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\* Justified, accidental, foetal, or manslaughter by negligence. Traffic collision fatalities are not included in this report.  
 PNC = Percentage not calculated — [Percentage cannot be calculated.](#)  
 All data extracted via Coplink Analytics.



# Weekly Gunfire Summary

## 28 Mar. – 3 Apr., 2022

<b>Citywide</b> <i>All totals include attempts except homicides.</i>	<b>Weekly Total</b>	<b>YTD 2020</b>	<b>YTD 2021</b>	<b>YTD 2022</b>	<b>YTD % Change</b> 2021 vs. 2022	<b>3-Year YTD Average</b>	<b>YTD 2022 vs. 3-Year YTD Average</b>
Homicide – 187(a)PC	1	12	30	28	-7%	23	20%
Homicide – All Other *	-	1	5	2	-60%	3	-25%
<b>Subtotal - 187(a)PC + all other</b>	<b>1</b>	<b>13</b>	<b>35</b>	<b>30</b>	<b>-14%</b>	<b>26</b>	<b>15%</b>
Assault with a firearm – 245(a)(2)PC	9	72	151	119	-21%	114	4%
<b>Subtotal - 187 + 245(a)(2)</b>	<b>10</b>	<b>85</b>	<b>186</b>	<b>149</b>	<b>-20%</b>	<b>140</b>	<b>6%</b>
Shooting occupied home or vehicle – 246PC	5	85	157	86	-45%	109	-21%
Shooting unoccupied home or vehicle – 247(b)PC	1	31	78	47	-40%	52	-10%
<b>Subtotal - 187 + 245(a)(2) + 246 + 247(b)</b>	<b>16</b>	<b>201</b>	<b>421</b>	<b>282</b>	<b>-33%</b>	<b>301</b>	<b>-6%</b>
Negligent discharge of a firearm – 246.3PC	20	174	472	457	-3%	368	24%
<b>Grand Total</b>	<b>36</b>	<b>375</b>	<b>893</b>	<b>739</b>	<b>-17%</b>	<b>669</b>	<b>10%</b>

<b>Area 1</b> <i>All totals include attempts except homicides.</i>	<b>Weekly Total</b>	<b>YTD 2020</b>	<b>YTD 2021</b>	<b>YTD 2022</b>	<b>YTD % Change</b> 2021 vs. 2022	<b>3-Year YTD Average</b>	<b>YTD 2022 vs. 3-Year YTD Average</b>
Homicide – 187(a)PC	1	3	4	7	75%	5	50%
Homicide – All Other *	-	-	-	1	PNC	0	200%
<b>Subtotal - 187(a)PC + all other</b>	<b>1</b>	<b>3</b>	<b>4</b>	<b>8</b>	<b>100%</b>	<b>5</b>	<b>60%</b>
Assault with a firearm – 245(a)(2)PC	4	10	16	24	50%	17	44%
<b>Subtotal - 187 + 245(a)(2)</b>	<b>5</b>	<b>13</b>	<b>20</b>	<b>32</b>	<b>60%</b>	<b>22</b>	<b>48%</b>
Shooting occupied home or vehicle – 246PC	-	12	27	13	-52%	17	-25%
Shooting unoccupied home or vehicle – 247(b)PC	-	4	10	8	-20%	7	9%
<b>Subtotal - 187 + 245(a)(2) + 246 + 247(b)</b>	<b>5</b>	<b>29</b>	<b>57</b>	<b>53</b>	<b>-7%</b>	<b>46</b>	<b>14%</b>
Negligent discharge of a firearm – 246.3PC	1	20	39	37	-5%	32	16%
<b>Grand Total</b>	<b>6</b>	<b>49</b>	<b>96</b>	<b>90</b>	<b>-6%</b>	<b>78</b>	<b>15%</b>

**THIS REPORT IS HIERARCHY BASED. CRIME TOTALS REFLECT ONE OFFENSE (THE MOST SEVERE) PER INCIDENT.**

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\* Justified, accidental, foetal, or manslaughter by negligence. Traffic collision fatalities are not included in this report.  
PNC = Percentage not calculated — [Percentage cannot be calculated.](#)  
All data extracted via Coplink Analytics.



# Weekly Gunfire Summary

## 28 Mar. – 3 Apr., 2022

<b>Area 2</b> <i>All totals include attempts except homicides.</i>	Weekly Total	YTD 2020	YTD 2021	YTD 2022	YTD % Change 2021 vs. 2022	3-Year YTD Average	YTD 2022 vs. 3-Year YTD Average
Homicide – 187(a)PC	-	-	2	-	-100%	1	PNC
Homicide – All Other *	-	-	-	-	PNC	-	PNC
<b>Subtotal - 187(a)PC + all other</b>	-	-	2	-	-100%	1	PNC
Assault with a firearm – 245(a)(2)PC	-	2	9	9	0%	7	35%
<b>Subtotal - 187 + 245(a)(2)</b>	-	2	11	9	-18%	7	23%
Shooting occupied home or vehicle – 246PC	-	5	3	1	-67%	3	-67%
Shooting unoccupied home or vehicle – 247(b)PC	-	-	2	1	-50%	1	0%
<b>Subtotal - 187 + 245(a)(2) + 246 + 247(b)</b>	-	7	16	11	-31%	11	-3%
Negligent discharge of a firearm – 246.3PC	2	4	10	11	10%	8	32%
<b>Grand Total</b>	<b>2</b>	<b>11</b>	<b>26</b>	<b>22</b>	<b>-15%</b>	<b>20</b>	<b>12%</b>

<b>Area 3</b> <i>All totals include attempts except homicides.</i>	Weekly Total	YTD 2020	YTD 2021	YTD 2022	YTD % Change 2021 vs. 2022	3-Year YTD Average	YTD 2022 vs. 3-Year YTD Average
Homicide – 187(a)PC	-	1	7	4	-43%	4	0%
Homicide – All Other *	-	-	-	-	PNC	-	PNC
<b>Subtotal - 187(a)PC + all other</b>	-	1	7	4	-43%	4	0%
Assault with a firearm – 245(a)(2)PC	2	11	16	17	6%	15	16%
<b>Subtotal - 187 + 245(a)(2)</b>	2	12	23	21	-9%	19	13%
Shooting occupied home or vehicle – 246PC	-	6	12	6	-50%	8	-25%
Shooting unoccupied home or vehicle – 247(b)PC	-	6	8	7	-13%	7	0%
<b>Subtotal - 187 + 245(a)(2) + 246 + 247(b)</b>	2	24	43	34	-21%	34	1%
Negligent discharge of a firearm – 246.3PC	2	17	38	52	37%	36	46%
<b>Grand Total</b>	<b>4</b>	<b>41</b>	<b>81</b>	<b>86</b>	<b>6%</b>	<b>69</b>	<b>24%</b>

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All data extracted via Coplink Analytics.



# Weekly Gunfire Summary

## 28 Mar. – 3 Apr., 2022

<b>Area 4</b> <i>All totals include attempts except homicides.</i>	Weekly Total	YTD 2020	YTD 2021	YTD 2022	YTD % Change 2021 vs. 2022	3-Year YTD Average	YTD 2022 vs. 3-Year YTD Average
Homicide – 187(a)PC	-	2	4	9	125%	5	80%
Homicide – All Other *	-	-	-	-	PNC	-	PNC
<b>Subtotal - 187(a)PC + all other</b>	-	2	4	9	125%	5	80%
Assault with a firearm – 245(a)(2)PC	1	7	19	16	-16%	14	14%
<b>Subtotal - 187 + 245(a)(2)</b>	1	9	23	25	9%	19	32%
Shooting occupied home or vehicle – 246PC	1	12	19	17	-11%	16	6%
Shooting unoccupied home or vehicle – 247(b)PC	1	3	10	6	-40%	6	-5%
<b>Subtotal - 187 + 245(a)(2) + 246 + 247(b)</b>	3	24	52	48	-8%	41	16%
Negligent discharge of a firearm – 246.3PC	5	31	74	79	7%	61	29%
<b>Grand Total</b>	<b>8</b>	<b>55</b>	<b>126</b>	<b>127</b>	<b>1%</b>	<b>103</b>	<b>24%</b>

<b>Area 5</b> <i>All totals include attempts except homicides.</i>	Weekly Total	YTD 2020	YTD 2021	YTD 2022	YTD % Change 2021 vs. 2022	3-Year YTD Average	YTD 2022 vs. 3-Year YTD Average
Homicide – 187(a)PC	-	3	3	5	67%	4	36%
Homicide – All Other *	-	-	2	1	-50%	1	0%
<b>Subtotal - 187(a)PC + all other</b>	-	3	5	6	20%	5	29%
Assault with a firearm – 245(a)(2)PC	2	13	35	18	-49%	22	-18%
<b>Subtotal - 187 + 245(a)(2)</b>	2	16	40	24	-40%	27	-10%
Shooting occupied home or vehicle – 246PC	2	26	50	23	-54%	33	-30%
Shooting unoccupied home or vehicle – 247(b)PC	-	11	24	13	-46%	16	-19%
<b>Subtotal - 187 + 245(a)(2) + 246 + 247(b)</b>	4	53	114	60	-47%	76	-21%
Negligent discharge of a firearm – 246.3PC	4	47	148	145	-2%	113	28%
<b>Grand Total</b>	<b>8</b>	<b>100</b>	<b>262</b>	<b>205</b>	<b>-22%</b>	<b>189</b>	<b>8%</b>

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PNC = Percentage not calculated — [Percentage cannot be calculated.](#)  
All data extracted via Coplink Analytics.



# Weekly Gunfire Summary

## 28 Mar. – 3 Apr., 2022

<b>Area 6</b> <i>All totals include attempts except homicides.</i>	Weekly Total	YTD 2020	YTD 2021	YTD 2022	YTD % Change 2021 vs. 2022	3-Year YTD Average	YTD 2022 vs. 3-Year YTD Average
Homicide – 187(a)PC	-	3	10	3	-70%	5	-44%
Homicide – All Other *	-	1	3	-	-100%	1	PNC
<b>Subtotal - 187(a)PC + all other</b>	-	4	13	3	-77%	7	-55%
Assault with a firearm – 245(a)(2)PC	-	27	49	31	-37%	36	-13%
<b>Subtotal - 187 + 245(a)(2)</b>	-	31	62	34	-45%	42	-20%
Shooting occupied home or vehicle – 246PC	2	23	45	26	-42%	31	-17%
Shooting unoccupied home or vehicle – 247(b)PC	-	6	22	11	-50%	13	-15%
<b>Subtotal - 187 + 245(a)(2) + 246 + 247(b)</b>	2	60	129	71	-45%	87	-18%
Negligent discharge of a firearm – 246.3PC	6	55	159	130	-18%	115	13%
<b>Grand Total</b>	<b>8</b>	<b>115</b>	<b>288</b>	<b>201</b>	<b>-30%</b>	<b>201</b>	<b>0%</b>

**THIS REPORT IS HIERARCHY BASED. CRIME TOTALS REFLECT ONE OFFENSE (THE MOST SEVERE) PER INCIDENT.**

These statistics are drawn from the Oakland Police Dept. database. They are unaudited and not used to figure the crime numbers reported to the FBI's Uniform Crime Reporting (UCR) program. This report is run by the date the crimes occurred. Statistics can be affected by late reporting, the geocoding process, or the reclassification or unfounding of crimes. Because crime reporting and data entry can run behind, all crimes may not be recorded.

\* Justified, accidental, foetal, or manslaughter by negligence. Traffic collision fatalities are not included in this report.  
PNC = Percentage not calculated — [Percentage cannot be calculated.](#)  
All data extracted via Coplink Analytics.



**2022 Year-to-Date Recovered Guns**

Recoveries through 03 Apr., 2022

<b>Grand Total</b>	<b>360</b>
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<b>Crime Recoveries</b>	
Felony	230
Felony - Violent	48
Homicide	14
Infraction	0
Misdemeanor	8
<b>Total</b>	<b>300</b>

<b>Crime Gun Types</b>	<b>Felony</b>	<b>Felony - Violent</b>	<b>Homicide</b>	<b>Infraction</b>	<b>Misdemeanor</b>	<b>Total</b>
Machine Gun	1					1
Other	1					1
Pistol	190	30	11		8	239
Revolver	3	3	1			7
Rifle	23	9	2			34
Sawed Off	1					1
Shotgun	4	5				9
Sub-Machinegun						0
Unknown/Unstated	7	1				8
<b>Total</b>	<b>230</b>	<b>48</b>	<b>14</b>	<b>0</b>	<b>8</b>	<b>300</b>

<b>Non-Criminal Recoveries</b>	
Death Investigation	4
Found Property	33
SafeKeeping	23
<b>Total</b>	<b>60</b>

<b>Non-Criminal Gun Types</b>	<b>Death Investigation</b>	<b>Found Property</b>	<b>SafeKeeping</b>	<b>Total</b>
Machine Gun				0
Other				0
Pistol	2	10	10	22
Revolver	2	9	6	17
Rifle		6	6	12
Sawed Off				0
Shotgun		4		4
Sub-Machinegun				0
Unknown/Unstated		4	1	5
<b>Total</b>	<b>4</b>	<b>33</b>	<b>23</b>	<b>60</b>



### 2022 vs. 2021 — Year-to-Date Recovered Guns

Recoveries through 03 Apr.

Gun Recoveries	2021	2022	Difference	YTD % Change 2021 vs. 2022
<b>Grand Total</b>	<b>274</b>	<b>360</b>	<b>86</b>	<b>31%</b>

Crime Recoveries	2021	2022	Difference	YTD % Change 2021 vs. 2022
Felony	145	230	85	59%
Felony - Violent	69	48	-21	-30%
Homicide	4	14	10	250%
Infraction	0	0	0	PNC
Misdemeanor	8	8	0	0%
<b>Total</b>	<b>226</b>	<b>300</b>	<b>74</b>	<b>33%</b>

Non-Criminal Recoveries	2021	2022	Difference	YTD % Change 2021 vs. 2022
Death Investigation	8	4	-4	-50%
Found Property	27	33	6	22%
SafeKeeping	13	23	10	77%
<b>Total</b>	<b>48</b>	<b>60</b>	<b>12</b>	<b>25%</b>

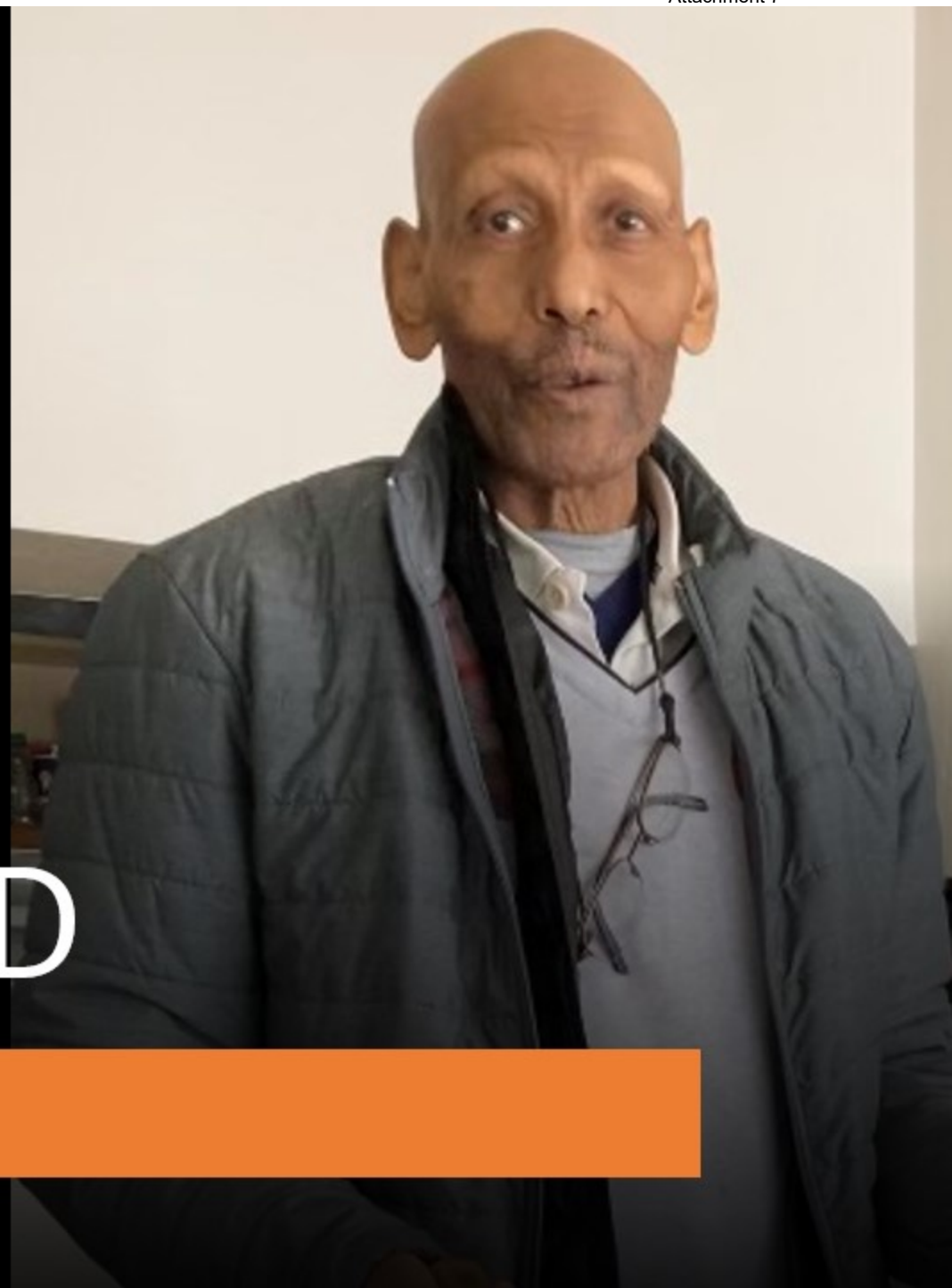
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CITY OF OAKLAND

Oakland Police Commission

Office of the Inspector General

# AGENDA REPORT

**TO:** Tyfahra Milele  
Chair, Oakland Police Commission

**FROM:** Michelle Phillips  
Inspector General

**SUBJECT:** Office of the Inspector General (OIG)  
Progress Report

**DATE:** April 14, 2022

## PURPOSE

The Inspector General is required to report to the Police Commission and members of the public once a month. Since the Inspector General has been in the role for approximately three months, this report will outline what has been accomplished in that 90 days.

## FIRST 90 DAYS UPDATE

The OIG took time in the first 90 days to do a preliminary needs assessment by listening to resident concerns via the Public Safety committee meetings and Police Commission meetings. The Inspector General also completed Oakland Police Department (OPD) ride-a-longs, reviewed some OPD policies and attended community events to gather additional incite.

The OIG is actively working on the personnel details required to stand up a sound office structure. Thus far, this process has included the completion of job descriptions, multiple staff recruitments, and a draft internal OIG standard operating procedural (procedures and policies). The OIG consults national best practices from the Association of Inspectors General (AIG) and the National Association for Civilian Oversight (NACOLE) for guidance, recommendations and suggestions related to the OIG oversight function.<sup>1</sup>

The OIG continues to participate in OPD risk management and internal affairs meetings wherever scheduling permits to monitor and ensure continued accountability and integrity of the process. The OIG has also observed an OPD sergeants training and plans to attend more trainings as time permits and as staff onboarding expands the office's capacity. Chief and OPD leadership are particularly cooperative with the OIG's full exercise of its Charter authorities and mandates. The Chief makes every effort to ensure all OIG requests received direct, timely, and comprehensive responses. The OIG has met with seven of the eight City Council members at this time and will soon hold a meeting with the eighth member. The OIG will continue to foster internal and external professional and courteous working relationships with City and other government officials, business owners, civic and community leaders, nonprofits, and residents.

<sup>1</sup> The AIG website is <https://inspectorsgeneral.org/> and the NACOLE website is <https://www.nacole.org/>.

The Inspector General completed the Certified Inspectors General (CIG) course provided by the AIG. The course curriculum included the following:

- Context of the inspector general function
- Ethics
- Legal issues
- Public management issues
- Investigating fraud, waste, and abuse
- Audits, inspections, and reviews

The Inspector General obtained the CIG certification in all of these topics.

Additionally, the Inspector General attended and participated in the 4<sup>th</sup> Annual Consent Decree conference held by Tarleton State University and the Federal Bar Association. The panelists included United States District Court Judges from the District of Maryland, the Northern District of Illinois, the Western District of Washington, the Eastern District of Louisiana and the District of Puerto Rico. Additional panelists included current and former independent monitors, compliance directors, Chiefs of Police, Department of Justice (DOJ) civil rights attorneys, state and local representatives overseeing a settlement agreement or currently under a consent decree or settlement agree. The attendees included many jurisdictions, law enforcement agencies, Inspectors General, police oversight directors, auditors, attorneys, monitors, students and others. The conference was a productive step in collecting knowledge, guidance and advice regarding Oakland's NSA process as well as best practices for civilian oversight by individuals that evaluate programs and departments regarding constitutional policing.

### **OIG STAFFING REQUESTS AND MODIFICATIONS**

In an effort for the OIG to have the staffing resources required to complete the Oakland City Charter mandates, enabling ordinances requirements and the daily functions of the office, the OIG requested additional staff. Below outlines what staff positions that were budgeted for the OIG originally and the additional staff positions the OIG requested during the mid-cycle review.

Current budgeted staff positions, five:

1. 1 FTE Inspector General (Filled)
2. 1 FTE Police Program and Performance Audit Supervisor
3. 2 FTE Police Program Auditors
4. 1 FTE Policy Analyst

Additional OIG staffing requests, four:

1. 1 FTE Administrative Analyst III
2. 1 FTE Program Compliance Officer
3. 1 FTE Police Program Auditor
4. 1 FTE Policy Analyst

If the requests are accepted by City Council, that will bring the OIG to a staff of nine full time employees.

### **NEGOTIATED SETTLEMENT AGREEMENT (NSA, MEASURE S1 MANDATE)**

The OIG has been working diligently with the Police Commission, the OPD and several City of Oakland offices to ensure the OIG has resources and staff to fulfill its Charter mandate. The OIG is finalizing the selection and scope of one of the NSA Task audits to begin in the next few months. Additionally, the OIG has been in communications with one of the plaintiffs' attorneys' regarding the NSA, OIG oversight in tandem with the independent monitor, and OIG oversight once the NSA has concluded.

### **THE BEY MATTER REVIEW**

Since the last report out on this matter in March 2022, the OIG has collected supplemental information for review. This review is an ongoing matter, and the OIG will continue to be meticulous and deliberate in its review and assessment of the several concerns voiced by community members, elected leaders, and Police Commissioners that first prompted the OIG's review of the matter. Next steps for the OIG's review include document and supplemental material reviews<sup>2</sup> and a full analysis of the relevant laws and policies within the ambit of the OIG's Charter and municipal code authorities. Per the Police Commission, the scope of the OIG's review is to render policy recommendations for the OPD and the City of Oakland to learn from what happened in this matter and improve any policy or practice shortcomings it reveals. The OIG does not have the authority to conduct investigations resulting in police discipline, but it does full authority to review completed investigations by the OPD Internal Affairs Division and the Community Police Review Agency.

### **PUBLIC AND COMMUNITY OUTREACH**

The OIG will actively continue to engage in community outreach. The OIG met with representatives from nonprofits such as Restorative Justice for Oakland Youth (RJOY), the Urban League, 100 Black Men of the Eastbay and the Lao Family. The OIG is encouraged by the number of community members/groups and nonprofits who are willing to share their frustrations regarding policing and how civilian oversight can assist in their concerns.

### **ACTION REQUESTED OF THE POLICE COMMISSION**

The OIG recommends the Police Commission through the Chair, convene the Community Outreach Standing Committee to assist in the cultivation of community partnerships, education, communication and the creation of established outreach procedures.

For questions regarding this report, please contact Michelle Phillips, Inspector General, at [OIG@oaklandca.gov](mailto:OIG@oaklandca.gov).

Respectfully submitted,




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Michelle N. Phillips  
 Inspector General  
 Office of the Inspector General

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<sup>2</sup> The documents to be reviewed will include complaint documents, relevant policies, reports, statements and other pertinent documents.



## MEMORANDUM

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**TO:** Tyfahra Milele  
Chair, Oakland Police Commission

**FROM:** Lt. Joseph Turner  
Police Department

**SUBJECT:** Ad Hoc Report and Policy Submission – DGO I-19

**DATE:** April 8, 2022

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### **PURPOSE**

This memorandum and attached draft policy DGO I-19 (*Electronic Communication Devices*) are both 1) a submission of a draft policy at the end of the ad hoc process for review and approval by the full Commission and 2) a report on the ad hoc process, a brief overview of changes to the draft as a result of the ad hoc, and a review of next steps and expected reporting pursuant to the policy if adopted.

### **BACKGROUND**

The Police Department has not updated its policy on cell phones since 2009. Since then, the Department has begun issuing cell phones and other electronic devices to many members. Additionally, high-profile incidents of misconduct involving the use of social media, cell phones, and other electronic devices have made apparent the need for a revised policy. This is one of the five policies specifically expected by the Court in *Allen v. City of Oakland*, (00-cv-04599 WHO) by the April 27, 2022 Case Management Conference.

In consultation with the Court-ordered Monitoring Team in the *Allen* matter, the Department completed a draft of a new electronic device policy. The policy was sent to the Police Commission for review pursuant to 604(b)(4) of the City Charter, and was sent to an ad hoc committee of Police Commissioners for discussion and review prior to presentation at a regular meeting of the Police Commission.

### **AD HOC COMPOSITION**

The ad hoc committee for this policy was chaired by Commissioner Rudolph Howell. Also on the committee were Commission Vice Chair Marsha Peterson and Commissioner Brenda Harbin-Forte.

Community member Omar Farmer was a member of the ad hoc committee, and the committee heard from subject-matter expert Mac Muir during its first meeting on March 30, 2022.

The Police Department was represented by Deputy Director Kiona Suttle, Captain Roland Holmgren, and Lieutenant Joseph Turner.

### **REVIEW OF AD HOC COMMITTEE ACTIONS**

The ad hoc committee had two meetings, on March 30 and April 6, 2022. At the first meeting, the committee members reviewed the policy section-by-section and heard from subject-matter expert Muir on best practices for device oversight and the ways to expand oversight even in the face of

**To: Chair Tyfahra Milele, Oakland Police Commission**  
 Subject: Ad Hoc Report and Policy Submission – DGO I-19  
 Date: April 8, 2022

technological restrictions. The committee also reviewed efforts in other jurisdictions around technology review and oversight.

At the end of the first meeting the committee requested several changes to the draft, especially surrounding the oversight and inspection of phones. At the next meeting (April 6, 2022), the Police Department presented a new draft of the policy. Among grammar, style, and minor content changes were the following larger changes:

- Clear direction that work cell phones and electronic devices are meant for official business, and language stating that devices are subject to public records requests, subpoenas, and discovery requests and that contents may be publicly disclosed;
- Reference to specific Manual of Rules violation sections for inappropriate material on work cell phones or electronic devices;
- Definitions of inspections, audits, and searches, and clear language that the Department may inspect, audit, or search work cell phones and work electronic devices at any time;
- A requirement that the Department's Bureau of Risk Management create and implement a work cell phone inspection plan which will result in random inspections of at least 16 work cell phones per quarter, and random audits of at least 2 work cell phones per quarter.

The ad hoc committee also expressed its strong desire that the Department implement a program, similar to one in place in at San Francisco Police Department, which uses technology to proactively flag certain key words used on Department devices which might indicate bias or otherwise constitute misconduct.

Video recordings of the ad hoc committee meetings are available on the Commission's [website](#).

### **DEPARTMENT NEXT STEPS AND REPORTING**

The Police Department shares the committee's view that a technology-based solution would allow more proactive monitoring of Department-issued devices while also reducing the amount of staff time needed to conduct inspections and audits. As such, the Department will be exploring this technology, including such things as requests for proposal (RFP) or bidding processes, in conjunction with the City's Department of Information Technology.

The Police Department agrees with the committee that transparency regarding risk management processes – such as the Department's work cell phone inspection plan – is integral to maintaining community trust, and looks forward to sharing non-identifiable information on the outcomes of this plan, including the plan itself, at a future Commission meeting during a Chief's update agenda item.

### **CONCLUSION AND RECOMMENDATION**

The Department concurs with the ad hoc committee that this policy provides proper guidance and controls for electronic devices, and looks forward to the ad hoc committee presentation, discussion by the full Commission, and possible adoption at the April 14 2022 Police Commission meeting.

Respectfully submitted,

Joseph Turner  
 Lieutenant of Police  
 Oakland Police Department

Attachment (2):

**A – Department General Order I-19, Electronic Communication Devices (Draft)**



## DEPARTMENTAL GENERAL ORDER

**I-19: ELECTRONIC COMMUNICATION DEVICES**

Effective Date: DD MMM YY  
 Coordinator: Bureau of Services

The purpose of this policy is to set forth Departmental policy on the use of Department-issued cellular phones, the use of other Department-issued electronic devices, and the use of personal cellular phones on duty. This policy includes direction on training and audit procedures.

**A. DEPARTMENT-ISSUED CELLULAR PHONES****A - 1. Issuance and Control**

All sworn members shall be issued a Department-issued cellular phone (“work cell phone”) upon appointment to a full-time sworn position. Annuitants and reserve sworn members may be issued a work cell phone as directed by the Chief of Police or designee.

All professional staff members at the rank of supervisor and above shall be issued a work cell phone within 90 days of appointment to the Department.

The Chief of Police or designee may authorize the issue of work cell phones to members beyond those described above, including issuance of multiple phones to a single member.

Work cell phones are property of the Department and shall be issued and controlled by the Department’s Information Technology Unit (ITU), with management of the device apps and settings by the City’s Department of Information Technology (DIT).

**A - 2. Carry Requirements for Sworn Members**

All sworn members shall carry their work cell phone when they are on duty, except where this requirement would interfere with their safety or duties (e.g., undercover or plainclothes assignment), where they are precluded from carrying the phone by rule or law (e.g., court appearances), or when permitted or ordered not to by a supervisor or commander.

Sworn command officers (rank of Lieutenant and above and those who are acting in those ranks) shall have their work cell phone accessible at all times, on and off duty, with the following exceptions:

1. Where this requirement would interfere with their safety or duties (e.g., undercover or plainclothes assignment);
2. Where they are precluded from carrying the phone by rule or law (e.g., court appearances, events specifically precluding the use or carrying of cell phones);
3. When permitted or ordered not to by a higher-ranking member; or

- 4. While on vacation, compensatory (comp) time, or other leave and there is a substitute or acting commander available in their stead.

**A - 3. Carry Requirements for Professional Staff Members**

Professional staff members who are issued one shall carry their work cell phone when they are on duty, except where this requirement would interfere with their safety or duties (e.g., undercover or plainclothes assignment), where they are precluded from carrying the phone by rule or law (e.g., court appearances), or when permitted or ordered not to by a supervisor or commander.

Professional staff members at the position of manager and above (and those acting in those ranks) shall have their work cell phone accessible at all times, on and off duty, with the following exceptions:

- 1. Where this requirement would interfere with their safety or duties (e.g., undercover ~~or plainclothes~~ assignment);
- 2. Where they are precluded from carrying the phone by rule or law (e.g., court appearances, events specifically precluding the use or carrying of cell phones);
- 3. When permitted or ordered not to by a higher-ranking member; or
- 4. While on vacation, comp time, or other leave and there is a substitute ~~or~~ acting manager, or superior available in their stead.

**A - 4. On-Duty Use of Work Cell Phones**

Work cell phones are ~~primarily~~ meant to allow members to conduct official department business. Work cell phones supplement the use of fixed-position office phones and allow for remote meeting support.

**Members are reminded that work cell phones, because of their nexus to job-related activities, may be the subject of public records requests, subpoenas, and discovery requests – contents of the devices may be made publicly disclosed.**

Members are encouraged ~~to not to~~ conduct any personal business on their work phone, and any actions taken using the phone must comply with this policy and its prohibitions (see section C for specific prohibitions). Any ~~on-duty~~ personal ~~calls or messages on use of~~ a work cell phone shall be kept to a minimum and be brief. Examples include, but are not limited to:

- 1. Calls to notify family members, physicians, etc. regarding an injury on the job; or
- 2. Calls to notify family members when required to work overtime without advance notice; and

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Commented [TJ2]: Tightened up this section without overreaching



DEPARTMENTAL GENERAL ORDER I-19  
OAKLAND POLICE DEPARTMENT

Effective Date  
DD MMM YY

~~3. Daily calls to speak to family members, partners, friends (or those responsible for them such as school, day care, or senior center) to check on their well being.~~

**Commented [TJ3]:** Excise or talk about articulable emergencies.

#### A - 5. International Use of Work Cell Phones

Members who are traveling outside of the United States of America for official business, and who bring a work cell phone or other work electronic device with mobile data, shall contact the ITU at least one (1) week prior to their departure date so that the device can be moved to an international data plan.

#### A - 6. Evidence Procedures

Electronic material (e.g., pictures, audio, text messages, electronically generated messages) potentially related to a criminal or internal investigation and recorded on work cell phones shall be handled as evidence.

#### A - 7. Confidentiality and Reporting of Lost Phones

Department work phones and any confidential material stored therein shall be treated as sensitive material and shall be secured at all times.

Lost or stolen devices shall be reported pursuant to [DGO N-05](#), with an information copy to ITU.

### B. OTHER DEPARTMENT-ISSUED ELECTRONIC DEVICES

#### B - 1. Issuance and Control

Workstation computers purchased through ITU shall be assigned to specific work spaces by the ITU. Laptop computers purchased by ITU may be issued to specific members based on assignment. Any ITU issuance of laptop computers shall be with the written approval of a Deputy Chief/Director or higher. Costs for laptop computers shall be paid from the requesting unit's funding code.

All other computers shall be issued by the unit purchasing the computer, and units purchasing computers shall pay for the computers using their funding codes. Control over programs and administration of computers connecting to the City's networks shall continue to be with DIT.

Other electronic devices, if not issued and controlled by ITU (e.g., robots, throw-phones, GPS trackers) shall be issued and controlled by the Unit/Section/Division which oversees that program, or as directed by policy.

#### B - 2. Work-related Use

~~Electronic devices assigned to members or to their unit are meant provided to allow members to conduct official department business. Members may use electronic devices assigned to them or their unit for work-related functions.~~

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Members may use the desktop or laptop computer assigned to them or their unit for appropriate personal business while on break (e.g., perusing the news). However, see section C, below, for prohibited activity.

**B - 3. Devices with Specific Policies**

Electronic devices with specific policies (e.g., as a result of Surveillance Technology Ordinance or Militarized Equipment Ordinance) shall be used and issued according to those policies. If any provisions in a device-specific policy conflict with this policy, the provisions in the specific device policy shall supersede this policy.

**B - 4. Confidentiality and Reporting of Lost Devices**

Work electronic devices and any confidential material stored therein shall be treated as sensitive material and shall be secured at all times.

Lost or stolen devices shall be reported pursuant to [DGO N-05](#), with an information copy to ITU.

**C. PROHIBITED ACTIVITY FOR DEPARTMENT-ISSUED CELL PHONES, PERSONAL CELL PHONES, AND ELECTRONIC DEVICES**

**C - 1. Use of Any Device to the Point of Distraction or Interference with Duty**

Members shall not utilize work or personal cell phones, other telecommunications devices, or personal electronic devices to the ~~point of distraction from their performance of duty or interference with their safety~~ extent that such usage adversely affects their performance or productivity or interferes with their safety or the safety of others (Manual of Rules 356.80).

**C - 2. Use of Cell Phones While Driving**

Members shall not operate a Department vehicle while using a cell phone, whether work or personal, unless they are using a hands-free device or unless exigent circumstances exist. ~~Use of a cell phone as a GPS navigation tool or to play work-appropriate music while driving is specifically exempted from this prohibition.~~

**Commented [TJ4]:** Added - staff expressed concerns as many use phones to navigate to calls and listen to music in their vehicles.

**C - 3. Use of Personal Cell Phones for Department Business**

Members are prohibited from using their personal cell phones or electronic communication devices for Department business except for the following:

- ~~1.~~ **Members may use city email for official business on their personal phone;**
- ~~1-2.~~ **Members who have timecard approval responsibilities may approve timecards on their personal phone;**
- ~~2-3.~~ Members who do not have access to their work cell phone may make urgent work-related phone calls or text messages from their personal phones; and

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~~3.4.~~ Members who are not issued a work cell phone may conduct administrative work-related business (e.g., call in to the office, submit or approve timecards, etc.) using their personal cell phone.

Members shall not monitor or operate work-related social media accounts from personal cell phones (e.g., forward-facing social media accounts that represent the Department or investigative social media accounts). This prohibition does not preclude members from engaging in non-work-related social media contacts with other members using their personal devices (e.g., being “friends” on social media, connecting over social media with other Department members regarding shared hobbies or interests, etc. Refer to DGO D-18, however, for rules around personal social media use.).

**Commented [TJ5]:** Explain more to the officers – what is work related? Have some examples that can guide people’s understanding. Check NYPD patrol guide.

**Commented [TJ6R5]:** Added a few lines here

**C - 4. Use of Work Cell Phones and Work Electronic Devices for Personal Business**

Except for permissible brief personal use (see sections A-5 and B-2, above), work cell phones and work electronic devices shall not be used for personal business.

Without exception, no personal social media<sup>1</sup> accounts or applications (“apps”) shall be accessed or installed on work cell phones or electronic devices (Reference [DGO D-18](#) regarding personal social media). This does not include social media applications used for work purposes (e.g. investigative purposes or for administering and posting on the Department’s public accounts).

**Commented [TJ7]:** Add link here

**Commented [TJ8R7]:** Done

**C - 5. International Data Access and Charges**

Members must have permission from their first-level commander to bring work cell phones or electronic devices outside of the United States of America. Members who bring a work phone or work electronic device outside of the United States of America shall be responsible for any surcharges, fees, or increased data or calling charges that result unless the device is moved to an international plan as specified in section A-5.

**C - 6. Tampering with or Modifying Work Cell Phones and Work Electronic Devices**

Work cell phones and work electronic devices shall not be physically modified or tampered with without express written permission from the ITU. This includes, but is not limited to, the following:

1. Removing the SIM (subscriber identity module) card from a work cell phone or device and installing it into a personally owned phone and
2. Adding or removing hardware such as RAM, disc drives, or motherboards to department computers.

<sup>1</sup> [Policy and Publication Unit Note: This footnote is reserved for the definition of “personal social media” in DGO D-18 when that policy is finalized.]

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This section does not limit using appropriate peripheral devices such as USB memory sticks, plug-and-play external hardware, or speakers.

**C - 7. Accessing Inappropriate Material on Work Cell Phones and Electronic Devices**

Members are prohibited from accessing inappropriate content on their work cell phones and electronic devices when it is not within the scope of their duties – this behavior is prohibited by the Department’s Manual of Rules. This includes, but is not limited to, the following:

1. Pornography (MOR 356.30).
2. Any material which violates the anti-harassment or anti-discrimination policies of the Department (DGO D-20) and/or City (Administrative Instruction 71) (MORs 356.30, 314.04).
3. Hate group, racist, or anti-government material<sup>2</sup> (MORs 356.30, 384.70).
4. Gambling websites or applications (MORs 356.30, 328.07).
5. Any material related to the member’s outside commercial or personal financial activity (MORs 356.30, 328.07).-

**Commented [TJ9]:** Cite and refer back to MOR sections – each of these.

**Commented [TJ10]:** Bringing language from Social Media policy (which had

**D. ~~AUDITING INSPECTION AND AUDITING OF DEPARTMENT CELLULAR PHONES AND ELECTRONIC DEVICES~~**

**D - 1. Definitions**

**Inspection** – inspections of work cell phones include reviewing of call logs, messaging apps, browsing history, and social media applications with the purpose of reviewing the device for policy compliance in an efficient manner. Inspections will necessarily be limited in scope and intensity but may lead the inspecting member to perform a deeper look at the phone. Inspections involve reviewing the devices and records from the device, but do not involve using a digital forensic tool.

**Commented [TJ11]:** Need some definitions here, especially around inspection, audits, searches

**Commented [J12R11]:** Added

**Audit** – audits of work cell phones include using a digital forensic tool to extract the entirety of the data stored on the phone, possibly including deleted data, for the purpose of reviewing the devices for policy compliance. Audits involve an expanded scope and significantly more intensity than inspections, and will typically have a planned review to significantly sample and examine the data extracted from the device.

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<sup>2</sup> Reference the definition in DGO D-18 of extremist content: Content that advocates for, celebrates, or otherwise furthers the cause(s) of extremist political, racial, or gender-based positions or groups that espouse violence, a denigration, “othering”, or subjugation of another person or people based on the actual or perceived race, color, religion/religious creed, national origin/ancestry, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family responsibility, homelessness, physical and/or mental disability, matriculation, political affiliation, pregnancy, medical condition, military or veteran status, or status in any other group protected by federal, state or local law or the putting down of persons for personal attributes or political beliefs.

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Search – searches are a focused attempt to find something (e.g. evidence of misconduct or criminal activity, or specific communication that could prove or disprove an allegation of misconduct) that could reasonably exist on the device. The scope and intensity of a search, and the use of digital forensic tools to conduct a search, will depend on what is being searched for.

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**D - 1. D - 2. Right of Department to Inspect Work Cell Phones and Electronic Devices at Any Time**

The Department may inspect, ~~or audit, or search~~, work cell phones and work electronic devices at any time. Such ~~inspections, or audits, and searches~~ shall not be arbitrary, capricious, or harassing, and shall not be based on personal bias or animus.

Commented [TJ14]: Check this here along with D-3

Commented [J15R14]: Made this inspection and audit, kept searches the same.

Supervisors and commanders may conduct inspections of the work phones of members in their chain of command. Inspections of work cell phones or electronic devices by supervisors or commanders outside of planned ~~or~~ ~~ordered~~ inspections, audits, or investigations shall be documented in a memorandum to the Captain of Internal Affairs, no matter the outcome of the inspection.

Commented [TJ16]: DGO N-12: An examination that focuses on a specific task, activity, or event in order to ensure compliance with a policy, procedure, rule, or directive.

VS

Audit: A methodical, extensive and detailed examination or analysis. An audit is more general in nature than an inspection and may involve reviewing a previous inspection or conducting a new one.

**D - 3. Department Work Cell Phone Inspection Plan**

Bureau Threshold Inspections

1. BRM will complete a written inspection plan within 180 days of this policy being signed, and will review the plan at least every two (2) years subsequently.
2. The BRM inspection plan will utilize thresholds based on data points such as
  - a. Number of citizen complaints which are associated with misconduct.
  - b. Uses of force.
  - c. Amount of data used during the review period.

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To develop a list of at least twenty-five (25) members assigned a work cell phone per Bureau.

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From the list for each Bureau, the BRM shall, at the beginning of each quarter (January, April, July, and October) randomly select<sup>3</sup> at least four (4) per Bureau and send the names to the respective Bureau Deputy Chief or Director.

<sup>3</sup> Random selection shall be accomplished by using a random number generator, with a minimum of 1 and a maximum of 25, where the numbers generated will correspond to the row or column upon which the member's name exists in the spreadsheet or data collection tool/array.

- The Bureau Deputy Chief or Director shall direct the work cell phones of the members on the list **inspected** (see definition in section D-1) by supervisors or commanders in the Bureau.
3. Random inspections pursuant to thresholds shall be done by a member at least one rank higher than the member to whom the phone is assigned.
  4. Violations of this policy noted during the inspections shall be reported and handled pursuant to DGO M-03.
  5. The inspections ~~must~~ shall be completed by the end of the quarter (March, June, September, December), and the results of these inspections shall be documented in the monthly management report (or in a memorandum to the Assistant Chief of Police with an information copy to IAD for sections that do not complete monthly management reports). If the member randomly selected is unavailable for the entirety of the quarter (e.g., on military leave, on injury leave, etc.) this shall be noted in the report or memorandum.

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Integrity Unit Random Audits

1. The IAD Integrity Unit shall conduct a quarterly audit of no less than two (2) randomly selected<sup>4</sup> work cell phones, with the audits conducted in accordance with Integrity Unit operating procedures. The results of these audits shall be documented in a quarterly memorandum to the IAD Commander.

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**~~D-2.~~ Integrity Unit Inspections of Work Cell Phones**

~~The IAD Integrity Unit shall conduct a quarterly inspection of no less than four (4) randomly selected<sup>5</sup> work cell phones, with the inspections conducted in accordance with Integrity Unit operating procedures. The results of these inspections shall be documented in a quarterly memorandum to the IAD Commander.~~

**~~D-3.~~D-4. Department Searches of Work Cell Phones and Electronic Devices**

In addition to inspections and audits, as detailed above, the Department may also search work cell phones and work electronic devices when there ~~is~~ are reasonable grounds for suspecting that the search will reveal evidence of work-related misconduct or criminal misconduct.

Commented [TJ17]: Does this conflict with D-1? Does D-1 need to say search? Check with OCA here.

Does this create a limitation on the ability to search that we aren't really under?

Commented [TJ18R17]:

<sup>4</sup> Random selection shall be accomplished by using a random number generator, with a minimum of 1 and a maximum of the number of the total lines in the work phone record mentioned in D-4, and matching the first two (2) (or as many numbers need to be generated to gather the requisite number of phones to be inspected) random numbers generated to the row of the work phone record mentioned in D-4.

<sup>5</sup> Random selection shall be accomplished by using a random number generator, with a minimum of 1 and a maximum of the number of the total lines in the work phone record mentioned in D-4, and matching the first four (4) (or as many numbers need to be generated to gather the requisite number of phones to be inspected) random numbers generated to the row of the work phone record mentioned in D-4.

DEPARTMENTAL GENERAL ORDER I-19  
OAKLAND POLICE DEPARTMENT

Effective Date  
DD MMM YY

**~~D-4~~D - 5. Internal Record Keeping and Asset Management**

The ITU shall keep a record of issued work cell phones. This shall include, but is not limited to:

1. Phone number, if applicable
2. Device serial number or identifying number
3. Member assigned the device(s)

**~~D-5. Inspection and Audit Responsibilities~~**

~~Supervisors and chain of command shall be responsible for conducting inspections of work devices pursuant to D-1. Additionally, the Internal Affairs Division (IAD) Integrity Unit may conduct inspections beyond those specified in D-2 pursuant to their procedures.~~

~~The Department's Office of Internal Accountability (OIA) shall be responsible for conducting audits on adherence to this policy.~~

**~~D-6. Audit Frequency~~**

~~The Department's Office of Inspector General Internal Accountability (OIG) shall conduct an audit of work cell phone and/or work electronic device use and adherence to this policy at least once every two (2) years.~~

**E. TRAINING**

**E - 1. Academy and Initial Hire Training**

Upon graduating the Basic Police Academy, the Training Division shall provide training for the new police officers on the provisions of this policy and the appropriate use of work cell phones and electronic devices.

All professional staff and sworn members who join the Department outside of the Basic Police Academy process shall review and sign off on this policy via PowerDMS within 90 days of their appointment to their position.

**Commented [TJ19]:** Baltimore Gun Trace TF report recommendation – train people on why this policy exists (examples and consequences)

**Commented [J20R19]:** Note here for training.

By order of

LeRonne L. Armstrong  
Chief of Police

Date Signed: \_\_\_\_\_

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## DEPARTMENTAL GENERAL ORDER

**I-19: ELECTRONIC COMMUNICATION DEVICES**

Effective Date: DD MMM YY

Coordinator: Bureau of Services

The purpose of this policy is to set forth Departmental policy on the use of Department-issued cellular phones, the use of other Department-issued electronic devices, and the use of personal cellular phones on duty. This policy includes direction on training and audit procedures.

**A. DEPARTMENT-ISSUED CELLULAR PHONES****A - 1. Issuance and Control**

All sworn members shall be issued a Department-issued cellular phone (“work cell phone”) upon appointment to a full-time sworn position. Annuitants and reserve sworn members may be issued a work cell phone as directed by the Chief of Police or designee.

All professional staff members at the rank of supervisor and above shall be issued a work cell phone within 90 days of appointment to the Department.

The Chief of Police or designee may authorize the issue of work cell phones to members beyond those described above, including issuance of multiple phones to a single member.

Work cell phones are property of the Department and shall be issued and controlled by the Department’s Information Technology Unit (ITU), with management of the device apps and settings by the City’s Department of Information Technology (DIT).

**A - 2. Carry Requirements for Sworn Members**

All sworn members shall carry their work cell phone when they are on duty, except where this requirement would interfere with their safety or duties (e.g., undercover or plainclothes assignment), where they are precluded from carrying the phone by rule or law (e.g., court appearances), or when permitted or ordered not to by a supervisor or commander.

Sworn command officers (rank of Lieutenant and above and those who are acting in those ranks) shall have their work cell phone accessible at all times, on and off duty, with the following exceptions:

1. Where this requirement would interfere with their safety or duties (e.g., undercover or plainclothes assignment);
2. Where they are precluded from carrying the phone by rule or law (e.g., court appearances, events specifically precluding the use or carrying of cell phones);
3. When permitted or ordered not to by a higher-ranking member; or



4. While on vacation, compensatory (comp) time, or other leave and there is a substitute or acting commander available in their stead.

**A - 3. Carry Requirements for Professional Staff Members**

Professional staff members who are issued one shall carry their work cell phone when they are on duty, except where this requirement would interfere with their safety or duties (e.g., undercover or plainclothes assignment), where they are precluded from carrying the phone by rule or law (e.g., court appearances), or when permitted or ordered not to by a supervisor or commander.

Professional staff members at the position of manager and above (and those acting in those ranks) shall have their work cell phone accessible at all times, on and off duty, with the following exceptions:

1. Where this requirement would interfere with their safety or duties (e.g., undercover assignment);
2. Where they are precluded from carrying the phone by rule or law (e.g., court appearances, events specifically precluding the use or carrying of cell phones);
3. When permitted or ordered not to by a higher-ranking member; or
4. While on vacation, comp time, or other leave and there is a substitute, acting manager, or superior available in their stead.

**A - 4. On-Duty Use of Work Cell Phones**

Work cell phones are meant to allow members to conduct official department business. Work cell phones supplement the use of fixed-position office phones and allow for remote meeting support.

**Members are reminded that work cell phones, because of their nexus to job-related activities, are subject to public records requests, subpoenas, and discovery requests – contents of the devices may be publicly disclosed.**

Members are encouraged not to conduct any personal business on their work phone, and any actions taken using the phone must comply with this policy and its prohibitions (see section C for specific prohibitions). Any personal use of a work cell phone shall be kept to a minimum and be brief. Examples include, but are not limited to:

1. Calls to notify family members, physicians, etc. regarding an injury on the job; or
2. Calls to notify family members when required to work overtime without advance notice.

**A - 5. International Use of Work Cell Phones**

Members who are traveling outside of the United States of America for official business, and who bring a work cell phone or other work electronic device with mobile data, shall contact the ITU at least one (1) week prior to their departure date so that the device can be moved to an international data plan.

**A - 6. Evidence Procedures**

Electronic material (e.g., pictures, audio, text messages, electronically generated messages) potentially related to a criminal or internal investigation and recorded on work cell phones shall be handled as evidence.

**A - 7. Confidentiality and Reporting of Lost Phones**

Department work phones and any confidential material stored therein shall be treated as sensitive material and shall be secured at all times.

Lost or stolen devices shall be reported pursuant to [DGO N-05](#), with an information copy to ITU.

**B. OTHER DEPARTMENT-ISSUED ELECTRONIC DEVICES**

**B - 1. Issuance and Control**

Workstation computers purchased through ITU shall be assigned to specific work spaces by the ITU. Laptop computers purchased by ITU may be issued to specific members based on assignment. Any ITU issuance of laptop computers shall be with the written approval of a Deputy Chief/Director or higher. Costs for laptop computers shall be paid from the requesting unit's funding code.

All other computers shall be issued by the unit purchasing the computer, and units purchasing computers shall pay for the computers using their funding codes. Control over programs and administration of computers connecting to the City's networks shall continue to be with DIT.

Other electronic devices, if not issued and controlled by ITU (e.g., robots, throw-phones, GPS trackers) shall be issued and controlled by the Unit/Section/Division which oversees that program, or as directed by policy.

**B - 2. Work-related Use**

Electronic devices assigned to members or to their unit are provided to allow members to conduct official department business.

Members may use the desktop or laptop computer assigned to them or their unit for appropriate personal business while on break (e.g., perusing the news). However, see section C, below, for prohibited activity.

**B - 3. Devices with Specific Policies**

Electronic devices with specific policies (e.g., as a result of Surveillance Technology Ordinance or Militarized Equipment Ordinance) shall be used and issued according to those policies. If any provisions in a device-specific

policy conflict with this policy, the provisions in the specific device policy shall supersede this policy.

**B - 4. Confidentiality and Reporting of Lost Devices**

Work electronic devices and any confidential material stored therein shall be treated as sensitive material and shall be secured at all times.

Lost or stolen devices shall be reported pursuant to [DGO N-05](#), with an information copy to ITU.

**C. PROHIBITED ACTIVITY FOR DEPARTMENT-ISSUED CELL PHONES, PERSONAL CELL PHONES, AND ELECTRONIC DEVICES**

**C - 1. Use of Any Device to the Point of Distraction or Interference with Duty**

Members shall not utilize work or personal cell phones, other telecommunications devices, or personal electronic devices to the extent that such usage adversely affects their performance or productivity or interferes with their safety or the safety of others (Manual of Rules 356.80).

**C - 2. Use of Cell Phones While Driving**

Members shall not operate a Department vehicle while using a cell phone, whether work or personal, unless they are using a hands-free device or unless exigent circumstances exist. Use of a cell phone as a GPS navigation tool or to play work-appropriate music while driving is specifically exempted from this prohibition.

**C - 3. Use of Personal Cell Phones for Department Business**

Members are prohibited from using their personal cell phones or electronic communication devices for Department business except for the following:

1. Members may use city email for official business on their personal phone;
2. Members who have timecard approval responsibilities may approve timecards on their personal phone;
3. Members who do not have access to their work cell phone may make urgent work-related phone calls or text messages from their personal phones; and
4. Members who are not issued a work cell phone may conduct administrative work-related business (e.g., call in to the office, submit or approve timecards, etc.) using their personal cell phone.

Members shall not monitor or operate work-related social media accounts from personal cell phones (e.g., forward-facing social media accounts that represent the Department or investigative social media accounts). This prohibition does not preclude members from engaging in non-work-related social media contacts with other members using their personal devices (e.g., being “friends” on social media, connecting over social media with other

Department members regarding shared hobbies or interests, etc. Refer to [DGO D-18](#), however, for rules around personal social media use.).

**C - 4. Use of Work Cell Phones and Work Electronic Devices for Personal Business**

Except for permissible brief personal use (see sections A-5 and B-2, above), work cell phones and work electronic devices shall not be used for personal business.

Without exception, no personal social media<sup>1</sup> accounts or applications (“apps”) shall be accessed or installed on work cell phones or electronic devices (Reference [DGO D-18](#) regarding personal social media). This does not include social media applications used for work purposes (e.g. investigative purposes or for administering and posting on the Department’s public accounts).

**C - 5. International Data Access and Charges**

Members must have permission from their first-level commander to bring work cell phones or electronic devices outside of the United States of America. Members who bring a work phone or work electronic device outside of the United States of America shall be responsible for any surcharges, fees, or increased data or calling charges that result unless the device is moved to an international plan as specified in section A-5.

**C - 6. Tampering with or Modifying Work Cell Phones and Work Electronic Devices**

Work cell phones and work electronic devices shall not be physically modified or tampered with without express written permission from the ITU. This includes, but is not limited to, the following:

1. Removing the SIM (subscriber identity module) card from a work cell phone or device and installing it into a personally owned phone and
2. Adding or removing hardware such as RAM, disc drives, or motherboards to department computers.

This section does not limit using appropriate peripheral devices such as USB memory sticks, plug-and-play external hardware, or speakers.

**C - 7. Accessing Inappropriate Material on Work Cell Phones and Electronic Devices**

Members are prohibited from accessing inappropriate content on their work cell phones and electronic devices when it is not within the scope of their duties – this behavior is prohibited by the Department’s [Manual of Rules](#). This includes, but is not limited to, the following:

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<sup>1</sup> [Policy and Publication Unit Note: This footnote is reserved for the definition of “personal social media” in DGO D-18 when that policy is finalized.]

1. Pornography (MOR 356.30).
2. Any material which violates the anti-harassment or anti-discrimination policies of the Department (DGO D-20) and/or City ([Administrative Instruction 71](#)) (MORs 356.30, 314.04).
3. Hate group, racist, or anti-government material<sup>2</sup> (MORs 356.30, 384.70).
4. Gambling websites or applications (MORs 356.30, 328.07).
5. Any material related to the member's outside commercial or personal financial activity (MORs 356.30, 328.07).

#### **D. INSPECTION AND AUDITING OF DEPARTMENT CELLULAR PHONES AND ELECTRONIC DEVICES**

##### **D - 1. Definitions**

**Inspection** – inspections of work cell phones include reviewing of call logs, messaging apps, browsing history, and social media applications with the purpose of reviewing the device for policy compliance in an efficient manner. Inspections will necessarily be limited in scope and intensity but may lead the inspecting member to perform a deeper look at the phone. Inspections involve reviewing the devices and records from the device, but do not involve using a digital forensic tool.

**Audit** – audits of work cell phones include using a digital forensic tool to extract the entirety of the data stored on the phone, including deleted data, for the purpose of reviewing the device for policy compliance. Audits involve an expanded scope and significantly more intensity than inspections, and will typically have a planned review to significantly sample and examine the data extracted from the device.

**Search** – searches are a focused attempt to find something (e.g. evidence of misconduct or criminal activity, or specific communication that could prove or disprove an allegation of misconduct) that could reasonably exist on the device. The scope and intensity of a search, and the use of digital forensic tools to conduct a search, will depend on what is being searched for.

##### **D - 2. Right of Department to Inspect Work Cell Phones and Electronic Devices at Any Time**

The Department may inspect, audit, or search work cell phones and work electronic devices at any time. Such inspections, audits, and searches shall

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not be arbitrary, capricious, or harassing, and shall not be based on personal bias or animus.

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### **D - 3. Department Work Cell Phone Inspection Plan**

#### Bureau Threshold Inspections

1. BRM will complete a written inspection plan within 180 days of this policy being signed, and will review the plan at least every two (2) years subsequently.
2. The BRM inspection plan will utilize thresholds based on data points such as
  - a. Number of citizen complaints which are associated with misconduct
  - b. Uses of force
  - c. Amount of data used during the review period

To develop a list of at least twenty-five (25) members assigned a work cell phone per Bureau.

From the list for each Bureau, the BRM shall, at the beginning of each quarter (January, April, July, and October) randomly select<sup>3</sup> at least four (4) per Bureau and send the names to the respective Bureau Deputy Chief or Director.

The Bureau Deputy Chief or Director shall direct the work cell phones of the members on the list **inspected** (see definition in section D-1) by supervisors or commanders in the Bureau.

3. Random inspections pursuant to thresholds shall be done by a member at least one rank higher than the member to whom the phone is assigned.
4. Violations of this policy noted during the inspections shall be reported and handled pursuant to [DGO M-03](#).
5. The inspections shall be completed by the end of the quarter (March, June, September, December), and the results of these inspections shall be documented in the monthly management report (or in a memorandum to the Assistant Chief of Police with an information copy to IAD for sections

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<sup>3</sup> Random selection shall be accomplished by using a random number generator, with a minimum of 1 and a maximum of 25, where the numbers generated will correspond to the row or column upon which the member's name exists in the spreadsheet or data array.

that do not complete monthly management reports). If the member randomly selected is unavailable for the entirety of the quarter (e.g., on military leave, on injury leave, etc.) this shall be noted in the report or memorandum.

Integrity Unit Random Audits

1. The IAD Integrity Unit shall conduct a quarterly audit of no less than two (2) randomly selected<sup>4</sup> work cell phones, with the audits conducted in accordance with Integrity Unit operating procedures. The results of these audits shall be documented in a quarterly memorandum to the IAD Commander.

**D - 4. Department Searches of Work Cell Phones and Electronic Devices**

In addition to inspections and audits, as detailed above, the Department may also search work cell phones and work electronic devices when there are reasonable grounds for suspecting that the search will reveal evidence of work-related misconduct or criminal misconduct.

**D - 5. Internal Record Keeping and Asset Management**

The ITU shall keep a record of issued work cell phones. This shall include, but is not limited to:

1. Phone number, if applicable
2. Device serial number or identifying number
3. Member assigned the device(s)

**E. TRAINING**

**E - 1. Academy and Initial Hire Training**

Upon graduating the Basic Police Academy, the Training Division shall provide training for the new police officers on the provisions of this policy and the appropriate use of work cell phones and electronic devices.

All professional staff and sworn members who join the Department outside of the Basic Police Academy process shall review and sign off on this policy via PowerDMS within 90 days of their appointment to their position.

By order of

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<sup>4</sup> Random selection shall be accomplished by using a random number generator, with a minimum of 1 and a maximum of the number of the total lines in the work phone record mentioned in D-4, and matching the first two (2) (or as many numbers need to be generated to gather the requisite number of phones to be inspected) random numbers generated to the row of the work phone record mentioned in D-4.

LeRonne L. Armstrong  
Chief of Police

Date Signed: \_\_\_\_\_





**CITY OF OAKLAND | POLICE COMMISSION**  
250 FRANK H. OGAWA PLAZA, SUITE 6302 • OAKLAND, CA 94612

### Current Committees

<b>Standing Committee</b>	<b>Commissioners</b>
Community Outreach	Howell, Hsieh, Jordan
Personnel	Jackson

<b>Ad Hoc Committee</b>	<b>Commissioners</b>
Budget	Jackson
Community Policing (15-01)	Harbin-Forte, Howell, Hsieh
CPRA Director Performance Evaluation	Milele, Jackson
Electronic Communication Devices	Howell, Harbin-Forte, Peterson
OBOA Allegations Investigation	Harbin-Forte, Jackson
Racial Profiling Policy	Milele, Jackson, Jordan
Rules of Procedure	Gage, Harbin-Forte

### Recently Completed/Paused/Dormant

<b>Ad Hoc Committee</b>	<b>Commissioners</b>
Annual Report	Milele, Jackson
Antidiscrimination Policy	Harbin-Forte, Hsieh, Jackson
Police Chief Goals and Evaluation	Milele, Peterson, Jackson
Risk Management Policy	Peterson, Harbin-Forte, Howell
Social Media Policy	Jackson, Milele, Hsieh

For a roster of current Commissioners and their emails, visit:

<https://www.oaklandca.gov/teams/police-commission>

**Police Commission Pending Agenda Matters List**

	A	B	C	D	E
1	Agenda Matter	Duties/Deliverables	Additional Information/Details	Timeline for 2022	Measure LL ("Charter") and Enabling Ordinance ("Ord.") Sections
2	Performance Reviews of CPRA Director and OPD Chief	Conduct performance reviews of the Agency Director and the Chief	The Commission shall determine the performance criteria for evaluating the Chief and the Agency Director, and communicate those criteria to the Chief and the Agency Director one full year before conducting the evaluation.		Ord. Section 2.45.070(G)
3	Provide Policy Guidelines to CPRA Director re Case Prioritization				Ord. § 2.45.070(J)
4	Advise OIG of Priorities, Functions, & Duties				Ord § 2.45.120
5	Solicit/Consider Public Input re Quality of Interactions with CPRA and Commission				Ord. § 2.45.070(Q)
6	Review and Comment on Proposed Budget for Education and Training re: job-related stress, PTSD Signs and Symptoms, and Other Job-related Mental Health/Emotional Issues				Charter § 604(d)(1) and Ord § 2.45.090
7	Propose a Budget for Education and Training re: job-related stress, PTSD Signs and Symptoms, and Other Job-related Mental Health/Emotional Issues				Ord. § 2.45.070(C) & (D) (C) Review and comment on the education and training the Department provides its sworn employees regarding the management of job-related stress, and regarding the signs and symptoms of post-traumatic stress disorder, drug and alcohol abuse, and other job-related mental and emotional health issues. The Commission shall provide any recommendations for more or different education and training to the Chief who shall respond in writing consistent with section 604(b)(6) of the Oakland City Charter.  (D) Prepare and deliver to the Mayor, the City Administrator and the Chief by April 15 of each year, or such other date as set by the Mayor, a proposed budget for providing the education and training identified in subsection C., above.

**Police Commission Pending Agenda Matters List**

	A	B	C	D	E
1	Agenda Matter	Duties/Deliverables	Additional Information/Details	Timeline for 2022	Measure LL ("Charter") and Enabling Ordinance ("Ord.") Sections
8	Two meetings per year outside City Hall - "Community Roundtables"	Agendized ten days in advance	Commission shall consider inviting to each roundtable individuals and groups familiar with the issues involved in building and maintaining trust between the Department and the community, including but not limited to representatives from the Department, members of faith-based groups, youth groups, advocacy groups, residents of neighborhoods that experience the most frequent contact with the Department and formerly incarcerated members of the community		Charter § 604(d)(1) and Ord. § 2.45.090
9	Establish Rules/Procedures re Mediation/Resolution of Complaints of Misconduct				Ord. § 2.45.070(N)
10	Review And Comment On Department's Practices/Policies Re: Reporting And Publishing Data On Its Activities				Ord. § 2.45.070(P)
11	Public Hearing on OPD Policies	Commission may shall determine which Department policies are subject of the hearing			Charter Section 604(b)(2)
12	Public Hearing on OPD Budget	Purpose of hearing is to "determine whether budgetary allocations for the Department are aligned with the Department's policies"	Tentative release date of Mayor's proposed budget is May 1st of each year.		Charter Section 604(b)(7)
13	SB 16 & SB 1421 Training		Requested by Chair Milele & Vice Chair Peterson		
14	Revisit OPD's Grooming & Presentation policy		Requested by Comm. Gage (1.13.22 meeting)		
15	Community Policing presentation/training		Requested by Comm. Hsieh		
16	RFP for IAD transition to CPRA		Requested by CPRA		
17					

**Police Commission Pending Agenda Matters List**

	A	B	C	D	E
	Agenda Matter	Duties/Deliverables	Additional Information/Details	Timeline for 2022	Measure LL ("Charter") and Enabling Ordinance ("Ord.") Sections
1					
18					